



Title of Bill -

Not printed

Ontario Gazette. To authorize the publication of
Magistrates & Coroners, Appointments of -
Speaker, L. A. Office of -

Leg. Ap^{ly}, Independence of -
Ap^{ly}ment Act of U. C. to amend -
Election of members of the Legislature -
Law of Evidence -

Voluntary Conveyances -

Log Tax, & protection of Sheep -

Municipal Institutions of U. C. -

Ap^{ly}ment of Property in U. C. -

Members of the L. A. of Ontario, disqualification of -

Protection of Game in Ontario -

Municipal Institutions Act of U. C. - to amend

Attorneys-at-Law -

Attachment of debts in Division Courts -

To incorporate Ontario College at Picton -

" " Grand Lodge of Ontario -

Erie & Niagara Railway - to extend -

To protect Butter & Cheese Manufacturers -

Kellington, Grey & Bruce Railway Co. -

Invest Real Estate of late J. K. Rocke, in hands of Trustees -

St John's Church Port Hope, To raise money for -

Municipal Institutions Act of U. C. - to repeal -

Young Men's C. Association of Toronto, to incorporate -

To amend Ap^{ly}ment Act of U. C. - Cap 53 -

" " Municipal Institutions of U. C. -

" " Jurors & Juries

To encourage Agriculture, Horticulture, Arts &c -

To separate the Townships of Harecourt & Beaton -

Provincial Duty on Tavern Keepers -

To Establish a Consolidated Revenue Fund for Ontario

No of Bill	Title of Bill-
34	Common Law Procedure Act-
35	To consolidate the debt of the Town of Peterboro'
36	St Andrews Church, Chatham to sell lands-
37	Township of Bagshawe
38	Crescent Petroleum Association,
39	Hatfield County In. & P. Co.
40	Board of Trade of the Town of Guelph-
41	Gore District Mutual F. I. Co-
42	To extend Cobourg, Peterboro' & Marumora Railway-
43	Cobourg, P. & M. Railway & Mining Co.
44	Overholding Tenants-
45	Asylums & Hospitals & Publickary-
46	Interpretation & Construction of Statutes-
47	Homestead Exemption-
48	E. C. Caddy- to confirm a Survey made by-
49	Royal Canadian Insurance Co-
50	Traction Engines-
51	John S Campbell-
52	Ottawa City & Papineau Railway-
53	A. Bell to practice Law- <i>not in this Book</i>
54	Port Whitley & Port Perry Railway <i>50 15</i>
55	Auctions of Estates-
56	Royal Niagara Hotel Company-
57	Toronto & Mississauga Railway Co-
58	Sisters of L'Hotel Dieu of Diocese of Kingston-
59	Toronto, Grey & Bruce Railway Co-
60	To abolish the Heir & Devisee Commission
61	Common Law Procedure Act-
62	Commissioners to take affidavits & Bail-
63	Free Grant & Homestead-
64	<i>Not printed.</i>
65	Registrars & Registry Office-
66	Grand River Navigation Company-

- 67 Amendment to Common Law Procedure Act -
- 68 Joint Stock Companies -
- 69 Bishop Strachan School -
- 70 Dentistry -
- 71 Taxes in the County of Hastings -
- 72 Resurveys of the Townships of Harvey & Burleigh -
- 73 Oxford Farmers Mutual, I. L. A.
- 74 Toronto Mutual Fire Insurance Co -
- 75 Apartment Act of U. C. Cap. 53, 1899 -
- 76 Debentures of the County of Simcoe -
- 77 Registrars & Registry Offices relating to Lands in U. C.
- 78 Collection of Taxes for the Town of Belleville -
- 79 Royal Canadian Yacht Club -
- 80 Temporal Committee of St Andrews Church -
- 81 Trustees of Mrs C Robbins Wilkes to convey estate -
- 82 G. Taylor & J Cook to convey lands to Geo Dennis -
- 83 Raina Timber Transport Company -
- 84 Partition of Real Estate in Ontario -
- 85 ~~Not printed~~ -
- 86 Office of Sheriff -
- 87 Division Courts -
- 88 London Collegiate Institute
- 89 Burial ground for the Presbyterian Church in Woodstock
- 90 Island of Point au Pelic in Lake Erie,
- 91 Cananogue Water Power Company -
- 92 To incorporate the Town of Brantford
- 93 Inspection of Asylums, Hospitals, Goals &c -
- 94 Toronto Trust Company -
- 95 Grey & Simcoe Railway Co -
- 96 Burnside Lyngui Hospital -
- 97 E. A. Meredith -
- 98 Clifton Suspension Bridge Co -

- 99 John Whitley, is admit of barrister -
100 Algoma, District of -
101 Wesleyan Methodist Church
102 Mutual Insurance Companies -
103 Brockville & Ottawa Railway -
104 To vest the Estate of Late G. Paxton in Trustees -
105 Law relating to purchases of Reversions -
106 Municipal Institutions Act of U. C. Chap 57, 52
107 An Act to continue for a limited time the
several acts therein mentioned
108 Executions against Goods & Chattels lands -
109 To amend Act 23 Vic Chap 54 -
110 Commissions for taking Affidavits & Bail -
111 District of Muskoka -
112 Municipal Institutions in Algoma -
113 Lands sold for Taxes,
114 Supply -
115 To impose a tax on patented lands in
the District of Algoma -

Reading 2nd 7th January 1868

hundred additional feet in length and work the claim jointly.

11 Mining claims shall be laid out as far as possible with horizontal and rectangular shapes; and the boundaries of all mining claims shall be horizontal; and the boundaries included in every such claim shall be deemed to be bounded under the surface by lines vertical to the horizon.

[No. 2.]

BILL

1868

Intituled An Act to repeal Chapter 13, of the Consolidated Statutes of Canada so far as the same relates to Ontario. To authorize the publication of an Ontario Gazette, and to make provision for enquiries concerning public matters and official notices.

HER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Whenever the Lieutenant Governor in Council deems it expedient to cause enquiry to be made into and concerning any matter connected with the good government of this Province, or the conduct of any part of the public business thereof, or the administration of Justice therein, and such inquiry is not regulated by any special law, the Governor may, by the commission in the case, confer upon the Commissioners or persons by whom such inquiry is to be conducted, the power of summoning before them any party or witnesses, and of requiring them to give evidence on oath, orally or in writing, (or on solemn affirmation, if they be parties entitled to affirm in civil matters), and to produce such documents and things as such Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine;
2. The Commissioner or Commissioners shall then have the same power to enforce the attendance of such witnesses, and to compel them to give evidence as is vested in any Court of Law in civil cases; And any wilfully false statement made by any such witness, on oath or solemn affirmation, shall be a misdemeanor punishable in the same manner as wilful and corrupt perjury; But no such party or witness shall be compelled to answer any question, by his answer to which he might render himself liable to a Criminal Prosecution.
3. That the Lieutenant Governor in Council may authorize the publication of an Official Gazette, to be called the Ontario Gazette—for the publication of Proclamations, Official and other Notices, and of all such matters whatsoever as may be from time to time desired; and that all Advertisements, Notices or Publications which, by any Act or Law in force in this Province, are required to be given by the Provincial Government or any Department thereof, or by any Sheriff or other officer, or by any Municipal authority, or by any officer, person or party whomsoever shall be given in the Ontario Gazette unless some other mode of giving the same be directed by Law; and if in any Act in force in Ontario, of the late Province of Upper Canada, or of the late Province of Canada, any such Notice is directed to be given in the Upper Canada Gazette by authority, or in the Canada Gazette—the Ontario Gazette shall be understood to be intended.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

Intituled an Act to Repeal Chapter 13 of the Consolidated Statutes of Canada, so far as the same relates to Ontario. To authorize the publication of an Ontario *Gazette*, and to make provision for enquiries concerning public matters and official notices.

1st Reading, January 8, 1868.
2nd " January 10, 1868.

Attorney-General MACDONALD.

TORONTO :
Printed by Samuel Beatty.

Reading 8 January 1868.
13 " "
16 " "

[No. 3.

A BILL,

[1868.

Intituled [an Act respecting the Appointment of
Magistrates and Coroners.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of Ontario, enacts as follows :

1. That it shall be lawful for the Lieutenant-Governor in Appointment
Council, whenever he shall think fit, to appoint, under the by the Lieu-
Great Seal, one or more Justices of the Peace, and one or tenant-Gov-
more Coroners, in and for every City, Town or County in the ernor in
Council.
5 Province of Ontario.

2. That whenever a new Commission of the Peace shall be Revocation
issued, after the passing of this Act, all and such like former by new Com-
Commissions shall become absolutely revoked and cancelled, mission.
but nothing in this Act contained shall prevent the re-appoint-
10 ment of any Justice of the Peace named in such former Com-
mission, if the Lieutenant-Governor shall think fit.

1st Session, 1st Parliament, 31st Victoria, 1867.

BILL.

Intituled an Act respecting the Appointment of Magistrates and Coroners.

1st Reading, January 8, 1868.

2nd " January 10, 1868.

Attorney-General Macdonald.

TORONTO:

Printed by Samuel Beatty.

An Act respecting the Office of Speaker of the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. Whenever, from illness or other cause, the Speaker of the Legislative Assembly finds it necessary to leave the Chair during any part of the sittings of the said Assembly on any day, he may call upon any member thereof to take the Chair and to act as Speaker during the remainder of such day unless the Speaker himself resume the Chair before the close of the sittings for that day; and the member so called upon shall take the Chair and act as Speaker accordingly.

In case of illness &c., of the Speaker he may call on any member to take the chair pro tem. And to act as Speaker the remainder of the day unless Chair resumed by the Speaker.

The member so called to act as Speaker:

2. Whenever the Speaker, from illness or other unavoidable cause, cannot be present at the meeting of the Assembly on any day, it shall be lawful for the said Assembly to elect a member to take the Chair and preside as Speaker for that day.

In case of the Speaker's unavoidable absence from illness, &c. The Assembly may elect a member as Speaker for that day.

3. Every Act passed, and every Order made and thing done by the said Assembly while such member is acting or presiding as Speaker as aforesaid, shall be as valid and effectual, to all intents and purposes, as if done while the Speaker himself was presiding in the Chair.

Acts and Orders of the Assembly in such cases to be effectual.

4. Chapter Four of the Consolidated Statutes of Canada is hereby repealed, in so far as it affects the Province of Ontario.

Cap. 4 of the Consolidated Statutes of Canada repealed as to the Province of Ontario.

[No. 4.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL
An Act respecting the Office of
Speaker.

1st Reading, January 8, 1868.

2nd Reading, January 13, 1868.

SIR HENRY SMITH.

TORONTO:

Printed by Samuel Beatty.

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24

1st Session 1st Parliament, 31st 1868

SIR HENRY SMITH

No. 5.] BILL. [1868.

An Act for the Independence of the Legislative Assembly.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows.:

Members of the Parliament of Canada to be ineligible as members of the Legislative Assembly.

1. No Member of the Parliament of Canada shall hereafter, and while he holds a seat in the said Parliament, be eligible or be elected a Member of the Legislative Assembly of this Province, nor shall he sit or vote therein.

No person accepting or holding any office or employment, permanent or temporary, at the Nomination of the Crown in the Dominion of Canada or in this Province, to which an annual salary or any fee, allowance or emolument or profit of any kind or amount whatever from the Crown is attached, shall be eligible as a Member of the Legislative Assembly during the time he holds such office, occupation or employment. Provided that nothing in this section contained in the Dominion or in this province to which any salary or emolument is attached shall be eligible as a member of the Legislative Assembly while holding such office.

2. No person accepting or holding any office, commission or employment, permanent or temporary, at the Nomination of the Crown in the Dominion of Canada or in this Province, to which an annual salary or any fee, allowance or emolument or profit of any kind or amount whatever from the Crown is attached, shall be eligible as a Member of the Legislative Assembly during the time he holds such office, occupation or employment. Provided that nothing in this section contained in the Dominion or in this province to which any salary or emolument is attached shall be eligible as a member of the Legislative Assembly while holding such office. shall render ineligible, as aforesaid, any member of the Executive Council, or holding any or either of the following offices, that is to say, of Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands or Commissioner of Agriculture and Public Works, nor shall the acceptance by a member of the Legislative Assembly of any or either of the said offices thereby vacate his seat.

Excepting members of the Executive Council, the Attorney-General, Secretary and Registrar of the Province.

The Treasurer of the Province, Commissioner of Crown Lands, Commissioner of Agriculture and Public Works.

Acceptance of any such office not to vacate his seat.

3. Nothing in the next preceding section shall render ineligible, as aforesaid, any officer in Her Majesty's Navy or Army, or any officer in the Militia or Militiaman, unless he be otherwise disqualified.

Further exception of any officer in H.M. navy or army, officer in the Militia and Militiaman unless otherwise disqualified.

Contractors
or their
agents en-
titled to pay-
ment out of
the Public
moneys to be
also ineligi-
ble.

Or under
which any
Public money
of the Do-
minion or of
this Province.

Election of
any such
disqualified
persons to be
null and
void.

Disqualified
persons not
to sit or vote
while under
disqualifi-
cation

Any such
disqualified
person sit-
ting or voting
in the Legis-
lative As-
sembly to for-
feit \$2,000
per diem of
sitting or
voting.

Recoverable
by any per-
son suing in
any Court of
competent
jurisdiction.

Sections 3, 4,
5, 6, and 7 of
Chapter 3 of
the Consoli-
dated Stat-
utes of Can-
ada repealed as
to this Pro-
vince.

4. No person holding or enjoying, undertaking or executing, directly or indirectly, alone or with any other person, by himself or by the interposition of any Agent, Trustee or third party, any contract or agreement with Her Majesty or with any Public Officer or Department, with respect to the Public Service of the Dominion of Canada or of this Province, who is to be paid for any service, work, matter or thing, shall be eligible as or be elected a member of the Legislative Assembly, nor shall he sit or vote therein.

5. If any person hereby declared disqualified or incapable of being elected a Member of the Legislative Assembly, is, nevertheless, elected and returned as a member thereof—his election shall be declared null and void.

6. No person hereby disqualified, shall sit or vote as a member of the Legislative Assembly while he remains under such disqualification. 40

7. And if any person disqualified, or declared incapable of sitting or voting in the Legislative Assembly, sits or votes therein—he shall thereby forfeit the sum of *Two Thousand Dollars* for each and every day on which he so sits or votes, and such sums may be recovered from him by any person who shall sue for the same by action of debt Bill, plaint or information, in any Court of competent jurisdiction in this Province. 45

8. Sections 3, 4, 5, 6 and 7 of Chapter Three, of the Consolidated Statutes of Canada, are hereby repealed, in so far as they affect the Province of Ontario. 50

[No. 5]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

**An Act for the Independence of the
Legislative Assembly.**

1st Reading, January 8, 1868.

2nd Reading, January 13, 1868.

SIR HENRY SMITH.

TORONTO:

Printed by Samuel Rottly.

No. 6.]

BILL.

[1868.

An Act to amend the Assessment Act of Upper Canada.

WHEREAS the equalization of the valuation in Municipalities is difficult to be accomplished under the existing laws. For remedy whereof

Her Majesty, by and with the consent of the Legislative Assembly of Ontario, enacts as follows :

1. If any member of the County Council shall be dissatisfied with the decision of the Council in regard to the valuation of real and personal property in any Township, Town, or Village, he may at the same sitting of the County Council, or within days thereafter, give a notice in writing to the County Clerk, who shall forthwith notify the Judge of the County Court of the same, in order that he may appoint a time and place for hearing the Reeve or Reeves of the Township, Town, or Village appealed against and also the Reeve or Reeves so dissatisfied with the said valuation, and the decision of the said Judge, in writing, shall be returned to the Clerk and be taken to be the valuation of the said County Council, and shall be final.

Preamble.
Any member of the County Council dissatisfied with the decision of the Council as to the valuation of real and personal property in any locality, may at the same sitting, or within days thereafter, give notice, in writing to the County Clerk, who shall forthwith notify the County Council Judge to appoint a time and place for hearing of the appeal. The decision of the Judge, in writing, to be final.

2. The cost of any such proceeding before the Judge as aforesaid shall be paid by or apportioned between the Municipalities affected by the said proceeding in such manner as the Judge shall think fit, and the costs incurred by any party claiming or objecting or objected to may be ordered to be paid and may be enforced by execution from the said Court in the by either or any of the Municipalities to which such proceeding, refers same manner as if one Municipality had recovered judgment against another in the said Court.

Costs to be apportioned between the Municipalities, as the Judge shall think fit. Costs of party claiming or objecting, &c., to be paid by the Municipality and enforced by execution.

1st Session, 1st Parliament, 21st Victoria, 1868.

BILL

**Amendment of Assessment Act of
Upper Canada, and to follow Sec-
tion 72.**

1st Reading, January 8, 1868.
2nd " " January 13, 1868.

Sir HENRY SMITH.

TORONTO:

Printed by Samuel Beatty.

An Act to amend Chapter Six of the Consolidated Statutes of Canada, intituled "An Act respecting Election of Members of the Legislature."

WHEREAS it is expedient to amend the law of Elections of Members to serve in the Legislative Assembly of Ontario, to provide for the holding of Elections on the same day and for the Polling of Votes on one day.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of Ontario enacts as follows:

1. At all general elections of Members of the Legislative Assembly, the writs for such elections shall be transmitted to the respective Returning Officers by regular mail, and shall be mailed to their address by the Clerk of the Crown in Chancery within five days from the date thereof, and at such elections of Members of the Legislative Assembly the writs shall bear the same date.

At General Elections of Members of the Legislative Assembly

writs to be transmitted to the Returning Officers by mail by the Clerk of the Crown in Chancery within five days from the date thereof. Writs to bear the same date.

2. In addition to the proper address on the letter enclosing the writ, the following words shall be printed or written on the envelope: "Writ for the City, Town, County or Riding of ———, (as the case may be), with the name of the City, Town, County or Riding to which the writ enclosed shall relate. And it shall be the duty of the Postmaster receiving such letter to transmit it without delay to the Returning Officer to whom it is addressed, and any necessary expense for such transmission shall be paid by the Returning Officer and included in his accounts.

Form of the address on the envelope.

Postmaster's duty.

3. The nomination of a Candidate and the taking and recording of the votes at any such General Election shall respectively take place on days to be fixed by His Excellency the Lieutenant Governor in Council.

Nomination and day of Election to be fixed by the Lieutenant-Governor in Council.

4. Notwithstanding anything to the contrary in Section Forty-three of the said first recited Act, there shall be but *one* Polling day for taking and recording the Votes of the Electors at every election of a Member of the said Assembly.

Polling to be limited to one day.

5. The day for the Nomination of Candidates and the day for the taking and recording of Votes shall be stated in each Writ of Election, and shall be the same for all General Elections of Members of the Legislative Assembly.

The Nomination day and the day of Election to be stated in the Writ and be the same for all the Elections.

Nomination
to take place
within 21 days
from the date
of the Writ,
and the day of
Election with-
in the 7 days
following.

6. The day of Nomination of Candidates shall be fixed to take place within Twenty-one days from the date of the Writ of Election, and the day fixed for the taking and recording of Votes shall be within the Seven days immediately following the Nomination of Candidates.

Returning
Officers with-
in 6 days after
receipt of the
Writ to issue
the Proclama-
tion for the
Election.

7. Notwithstanding anything to the contrary in the Thirty-first Section of the said Act respecting Elections of Members of the Legislature, the Returning Officer shall within Six days next after the reception of the Writ of Election issue the Proclamation in the said section, stating the place, day and hour at which he will proceed to hold the Election.

✓ Poll to be
opened at 8
o'clock in the
forenoon, and
closed at 5 in
the afternoon
of the same
day.

8. On the day fixed for taking and recording the Votes of the Electors, the Polls shall be opened at Eight o'clock in the forenoon and shall be closed at Five o'clock of the afternoon of the same day.

BILL.

An Act to amend Chapter Six of the Consolidated Statutes of Canada, intituled "An Act respecting Elections of Members of the Legislature."

1st Reading, January 8, 1868.
2nd " January 13, 1868.

SIR HENRY SMITH.

No. 8.]

BILL.

[1868.

An Act to Amend the Law of Evidence.

WHEREAS the Inquiry after Truth in the Courts of Jus- Preamble.
tice is often obstructed by Incapacities created by the
present law and it is desirable that full information as to the
facts in issue, both in Civil and Criminal cases, should be laid
before the persons who are appointed to decide upon them, and
that such persons should exercise their judgment on the credit
of the witnesses adduced and on the Truth of their testimony,
and it is expedient to amend the law of Evidence in this Pro-
vince.

10 Therefore Her Majesty by and with the consent of the Legis-
lative Assembly of Ontario, enacts as follows:

1. No person offered as a witness shall hereafter be excluded
by reason of incapacity from crime or interest from giving
evidence either in person or by deposition, according to the
practice of the Court on the trial of any issue joined, or of any
matter or question, or on any enquiry arising in any suit action
or proceeding, civil or criminal, in any Court or before any
Judge, Jury, Sheriff, Coroner, Magistrate, officer or person,
having by law or by consent of parties authority to hear,
receive and examine evidence, but that every person so offered
may and shall be admitted to give evidence on oath or solemn
affirmation in those cases wherein affirmation is by law re-
ceivable, notwithstanding that such person may or shall have
an interest in the matter in question or in the event of the Trial
of any issue, matter, question or enquiry, or of the suit, action or
proceeding in which he is offered as a witness, and notwith-
standing that such person offered as a witness may have been
previously convicted of any crime or offence.

Witnesses not
to be disqual-
ified by crime
or interest.

2. On the Trial of any Issue joined, or of any matter or ques-
tion, or on any enquiry arising in any suit, action, or other proceed-
ing in any Court of Justice or before any person having by law
or by consent of parties having authority to hear, receive and
examine evidence, the parties thereto and the persons in whose
behalf, any such suit, action or other proceeding may be
brought or defended shall *except* as hereinafter excepted be
competent and compellable to give evidence either *viva voce*
or by deposition, and the husbands and wives of the parties
thereto and of the persons in whose behalf any suit, action, or
other proceeding may be brought or instituted or opposed shall,
except as hereinafter excepted, be competent and compellable
to give evidence either *viva voce* or by deposition according to
the practice of the Court on behalf of either or any of the parties
to the said suit, action or other proceeding.

Parties to
suits and
parties in
whose behalf
suits may be
brought or
defended and
the husbands
and wives,
&c., of parties,
&c., rendered
competent.

3. Nothing herein contained shall render any person who in
any criminal proceeding is charged with the commission of any
indictable offence or any offence punishable on summary con-
viction, competent or compellable to give evidence for or

Party charg-
ed in criminal
proceeding or
offences pun-
ishable on

summary
conviction
not obliged to
testify
against him-
self, &c.

against himself or shall render any person compellable to answer any question tending to criminate himself or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife or any wife competent or compellable to give evidence for or against her husband or shall in any civil proceeding render any person compellable to answer any question tending to criminate himself or to subject him to prosecution for any penalty.

Not to apply
to actions in-
stituted for
adultery or
breach of pro-
mise of mar-
riage nor ren-
der husband
or wife com-
petent or
compellable
to give evi-
dence for or
against each
other.

4. Nothing hereinbefore contained shall apply to any action, suit, proceeding in any Court of Common Law instituted in consequence of adultery or to any action for breach of promise of marriage, nor shall render any husband competent or compellable to give evidence for or against his wife or any wife competent or compellable to give evidence for or against her husband in any criminal proceeding or in any proceeding instituted in consequence of adultery.

Husband not
to disclose
communica-
tion from wife
nor *vice versa*.

5. No husband shall be compellable to disclose any communication made to him by his wife during the marriage and no wife shall be compellable to disclose any communication made to her by her husband during the marriage.

Repealing
clause.

6. Sections three, four, five and eighteen of the Act, chapter thirty-two of the Consolidated Statutes of Upper Canada, entitled An Act respecting witnesses and evidence are hereby repealed.

[No. 8.]

1st Session, 1st Parliament, 31st Victoria, 1863.

BILL.

An Act to amend the Law of Evidence.

1st Reading, January, 8th, 1863.
2nd Reading, January 13th, 1863.

Sir HENRY SMITH.

TORONTO:
PRINTED BY SAMUEL BEATTY.

An Act respecting Voluntary Conveyances.

WHEREAS it is expedient to amend the Law respecting Voluntary Conveyances, Her Majesty therefore, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

- 5 1. Notwithstanding the provisions of the statute passed in the Notwith-
 twenty-seventh year of the reign of her late Majesty Queen standing the
 Elizabeth, and chaptered twenty-seven, no conveyance, grant, 27. Elizabeth,
 charge, lease, estate, encumbrance, limitation of use or uses, conveyance, c. 27., no
 which shall, after the passing of this Act, be executed in good &c., after the
 10 faith, and which shall be duly registered in the proper Registry passing of
 Office before the execution of the conveyance to any subsequent this Act,
 purchaser from the same grantor of the same lands, tenements, good faith and
 or hereditaments, or any part or parcel thereof, or any rent, duly register-
 profit or commodity in or out of the same, shall be or be execution of
 15 deemed or taken to be merely by reason of the absence of a conveyance to subsequent
 valuable consideration void, frustrate, or of none effect as against purchaser
 such purchaser, or his heirs, executors, administrators, or shall be void
 assigns, or any person claiming by, from, or under any of them. for want of
 valuable con-
 sideration as
 against such
 purchaser.
2. Nothing in this Act contained shall have the effect of This Act not
 20 validating any instrument which shall be for any reason other to render val-
 than in addition to the absence of a valuable consideration void id any instru-
 under the said Statute or otherwise. ment that
 would be
 otherwise
 void.

[No. 9.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act respecting voluntary conveyances.

1st Reading, January 8, 1868.

2nd " January 13, 1868.

Mr. BLAIR.

TORONTO:

Printed by Samuel Leatty.

No. 10.]

BILL.

[1868.

An Act to amend the Act imposing a Tax on Dogs
and for the Protection of Sheep.

Preamble.

WHEREAS it is expedient to amend the Act, Chapter
fifty-five of the twenty-ninth and thirtieth Victoria,
intituled "An Act to Amend and Consolidate the Acts to
to impose a Tax on Dogs, and to provide for the better pro-
tection of Sheep in Upper Canada:" Therefore, Her Majesty,
by and with the advice and consent of the Legislative As-
sembly of Ontario, enacts as follows:

29 & 30 V. c.
55 amended.

1. The second section of the said amended and consoli-
dated act is hereby repealed, and the following section shall
be taken and read in lieu thereof:

29 & 30 V. C.
55, s. 2 re-
pealed.

"There shall be levied annually in every municipality in
Ontario, upon the owner of each Dog therein, an annual tax
of One Dollar for each Dog, and Two Dollars for each Bitch,
but any person duly qualified to be a municipal elector, or
assessed on the assessment roll of the year for the same
amount of real property as would be sufficient to qualify a
municipal elector in the corporation, may own and keep one
Dog or Bitch free and be discharged from such tax, anything
in the said recited act to the contrary notwithstanding."

Annual tax on
dogs.

Duly qualified
electors, &c.
may keep one
dog free.

2. The ninth section of the said amended and consolidated
act is hereby repealed, and the following section shall be
taken and read in lieu thereof:

29 & 30 V. c.
55, s. 9 re-
pealed.

"If the party injured shall make oath that upon diligent
search and enquiry he has not been able to discover the
owner or keeper of the dog or dogs by which such damage
or injury has been done, or shall fail to recover the amount
of such damages or injury adjudged from the owner or keeper
of such dog or dogs, if known, for want of distress, the
Justices before whom the complaint was made, shall certify
to the fact that such owners cannot be found, or that if
known, there were no goods found upon which to levy the
same and the amount of damages by them adjudged, and
upon the production of the certificate of such Justices to the
effect aforesaid, being served upon or left with the clerk of
the municipality, it shall be the duty of such clerk to lay the
same before the Municipal Council at its next meeting, and
in such case the Municipal Council shall issue its order upon
the treasurer for the amount of the damages appearing by the
certificate of the Justices of the peace to have been sustained
by the owner of any sheep or lamb killed or injured by any
dog or dogs, and such amount shall be paid by the treasurer
on the first day of March in each and every year, or at such
other time thereafter as the municipal taxes are annually
collected and returned; and such amount shall be paid by
the treasurer, from and out of the fund constituted by the

Payment of
damages by
Municipality
if owner of
dog cannot be
found.

Payment not
to be made
until on or
after 1st March
in each year.

sixth section of this act, and from no other fund whatever; Provided always, that if such fund be not sufficient to pay all the costs and all such damages and injuries as shall be adjudged, then such payment shall be made, *pro rata*, out of the said fund collected for each year, and such payment shall be a full discharge of all claims for all such injuries and damages; Provided, further, that if after such damages shall have been paid by the treasurer, as aforesaid, the owner or keeper of any such dog or dogs, shall afterwards be identified and proved, it shall be the duty of the clerk of the municipality to make complaint before a Justice of the Peace for the County, who shall summons such reputed owner, and any two Justices of the peace shall proceed to try the case, and determine the same in the manner provided by the eighth section of this act, for compelling the owners of dogs killing or injuring sheep or lambs, to pay the damages.

Proviso; if fund insufficient payment to be made *pro rata*.

Proviso; if owner of dog be afterwards found.

[No. 10.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to amend the Act 29 and 30, V. c. 55, intituled "An Act to Amend and Consolidate the Acts to Impose a Tax on Dogs, and to provide for the Protection of Sheep in Upper Canada.

1st Reading, January 10, 1868.

2nd Reading, January 11, 1868.

Mr. T. R. FERGUSON.

TORONTO:

PRINTED BY SAMUEL BEATTY.

[No. 11.]

BILL.

[1868.]

An Act to Amend the 20, 30 V., C. 51, entitled An
Act Respecting the Municipal Institutions of
Upper Canada.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of Ontario, enacts as follows:

1. Sub-section one of section twenty-six of the said Act, shall
be amended by inserting after the word "same," in the fourth
line, the words, "and for services for which the county shall
be liable, as required by and under the provisions of any Act
respecting the Registration of Instruments relating to Lands." Sub-section 1
of Section 26
amended.
2. Sub-section five of section twenty-six of the said Act shall
be amended by inserting after the word "Justice" the words,
"the erection and repairs of the Registry Office or offices, and
for providing books for the same, and for services for which
the county shall be liable, as required by and under the pro-
visions of any Act respecting the Registration of Instruments
relating to Lands." Sub-section 5
of Section 26
amended.

Any Town not
separated for
all purposes
from the
County shall
pay the Coun-
ty its share of
fees and al-
lowances
under the 29
V., c. 24.
To be ascer-
tained by the
amount of
work per-
formed for such
Town, to be
determined
by the Regis-
trar, who shall
furnish a state-
ment to the
County Treas-
urer.
3. Any town not separated for all purposes from a county
shall pay to the county its share or proportion of the fees and
allowances for any services required or performed under the
provisions of the 29th Vic. chap. 24, intituled "An Act re-
specting Registrars Registry Offices and the Registration of
Instruments relating to lands in Upper Canada," and for which
the county shall be liable, and such share or proportion shall
be ascertained by the amount of work performed for such
Town, and the Registrar is hereby required to determine the
amount to be so paid, and to furnish the County Treasurer with
a statement of the same. To be ascer-
tained by the
amount of
work per-
formed for such
Town, to be
determined
by the Regis-
trar, who shall
furnish a state-
ment to the
County Treas-
urer.
4. Section forty-eight of the said Act shall be amended by
inserting after the words "Value of any," in the thirteenth line,
the words "Real or." Section 48 of
said Act
amended.
5. Section two hundred and twenty-six of the said Act shall
be amended by inserting after the word "Council," in the first
line, the words, "with the exception of the Council of every
County." Section 226
amended.
6. That part of section three hundred and thirty-four of the
said Act, after the words, in the eighth line, "in lieu of the
road so laid out," is hereby repealed. Part of Sec-
tion 334 re-
pealed.
7. Sub-section four, of section three hundred and forty-one
of the said Act, shall be amended by inserting after the word Subsection 4
of Section 341
amended.

"Road," in the seventh line, the words, "or any part of such lines of road," and also by inserting after the word "Road," in the ninth or last line, the words, "or any part of such lines of Road." 5

Section 413
amended.

8. Section four hundred and thirteen of the said Act shall be amended by substituting "twenty" for "two," in the third line. 10

[No. 11.]

1st Session, 1st Parliament, 31st Victoria, 1867.

BILL.

An Act to amend the 29, 30, V., C. 51,
intituled An Act respecting the
Municipal Institutions of Upper
Canada.

1st Reading, January 10, 1868.
2nd " on January 13, 1868.

JOHN McLEOD, M.P.P.

[No. 12.

BILL.

[1868.

An Act to Amend the 29, 30 Vict. Cap. 53, entitled
"An Act to Amend and Consolidate the several
Acts respecting the Assessment of Property in
Upper Canada.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of Ontario, enacts as follows :

Section four of the said Act shall be Amended by inserting Section 4
after the word "Companies" in the second line, the word amended.
5 "Mortgages."

2. Sub-section Fifteen of Section Nine of the said Act shall Subsection 15
be Amended by inserting after the word "land" in the second of Section 9
line, the words "due to him on account of the sale of such land." amended.

3. Section Thirty-five of the said Act is hereby repealed. Section 35 re-
pealed.

10 4. Sub-section Thirteen of Section Sixty-one of the said Act Subsection 13
shall be Amended by inserting after the word "Court" in the of section 61
first line, the words "may require the party Assessed, or his amended.
agent, to make a declaration in the form given in the preceding
Sub-section or."

No. 12.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to amend the 29, 30 Vic.
(c. 13), entitled "An Act to amend
and consolidate the several Acts
respecting the assessment of pro-
perty in Upper Canada."

1st Reading, January 10, 1868.

2nd Reading, January 13, 1868.

JOHN McLEOD, M.P.

TORONTO :

Printed by Samuel Beatty.

Reading 8 May 1868
Months past 24 " "

MR. BLAKE

No. 13]

BILL.

[1868.

An Act respecting disqualifications for Members of the
Legislative Assembly of Ontario.

WHEREAS it is expedient to make further provision
touching the disqualifications for Members of the
Legislative Assembly of Ontario.

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of Ontario, enacts as follows:

1. After the dissolution of the present House of Assembly of Ontario no member of the Senate or of the House of Commons of Canada shall be eligible as a member of or be capable of sitting or voting in the Legislative Assembly of Ontario.
After the dissolution of the present House no member of the "Senate" or "Commons" shall be eligible as a member of the Legislative Assembly of Ontario.
- 10 2. If any person rendered ineligible under this Act is nevertheless elected and returned as a member of the said Assembly, his election shall be null and void.
If elected, his election and return shall be void.
- 15 3. If any Member of the said Assembly becomes incapable under this Act of sitting or voting in the said Assembly, his election shall thereupon become null and void, and his seat shall be vacated, and a new writ shall forthwith issue for a new election as if he were naturally dead.
Any member becoming incapable, his election shall thereupon become void, and seat vacated and a new writ issued.
- 20 4. If any person who is under this Act ineligible as a member of the said Assembly or incapable of sitting or voting therein, does sit or vote therein, he shall thereby forfeit the sum of \$2,000, for every day in which he so sits or votes; and such sum may be recovered from him by any person who will sue for the same by action of debt, bill, plaint or information in any Court of competent civil jurisdiction in Ontario.
Any person ineligible or incapable sitting or voting as a member shall forfeit \$2,000 daily while so sitting or voting. Recovery of penalty.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act respecting Disqualifications
for Members of the Legislative As-
sembly of Ontario.

First Reading, January 10, 1868
Second Reading, January 13, 1868.

Mr. BLAKE.

TORONTO :
Printed by Samuel Best.

No. 14.]

BILL.

[1868.

An Act for the better protection of Game in the Province of Ontario.

WHEREAS it is expedient to amend the Law respecting Game in the Province of Ontario: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.

1. From and after the passing of this Act, the Act intituled "An Act for the better protection of Game in Upper Canada," passed in the 23rd year of Her Majesty's reign, chaptered 55, shall be and the same is hereby repealed.

Repealing Clause.

2. No Deer or Fawn, Elk, Moose or Cariboo, shall be hunted, taken or killed, between the first day of January and the first day of September in any year.

Deer, Fawn, Elk and Cariboo.

3. No Wild Turkey, Grouse or Partridge, or Hare, shall be hunted, taken or killed, between the first day of February and the first day of September in any year.

Wild Turkey, Grouse, and Partridge.

4. No Quail shall be taken or killed between the first day of February and the first day of October, in any year.

Quail.

5. No Woodcock or Snipe shall be taken or killed between the first day of March and the first day of September, in any year.

Woodcock, or Snipe.

6. No Wild Swan, Goose, or any of those Ducks commonly known as Black Duck, Grey Duck, Mallard, Wood Duck, American Widgeon, Pintail, or any of the Teal species of Duck, shall be hunted, taken, or killed, between the first day of March and the first day of September, in any year.

Swan, Goose, Black Duck, Grey Duck, Mallard, Wood Duck, American Widgeon, Pintail, or Teal.

7. No Wild Turkey, Grouse, Partridge, Quail, Woodcock, Snipe, or any description of Wild Duck, shall be trapped or taken by means of traps, nets, snares, springs, or other means of taking such birds other than by shooting, at any time whatever: nor shall any trap, net, or snare, be made, erected, or set, either wholly or in part, for the purpose of such trapping or taking.

Nowild Turkey Grouse, Partridge, Quail, Woodcock, Snipe or Wild Duck, to be trapped.

8. No Deer shall be trapped or taken by means of traps or snares at any time whatever, nor shall any traps be set or erected for the purpose of such trapping or taking.

No Deer to be trapped.

9. No person or persons shall have in their possession any of the animals or their hides, or any of the birds hereinbefore mentioned, within the periods above respectively prohibited, without lawful excuse, the proof whereof to be on the party charged: nor shall any sale of any of the Game mentioned in this Act take place later than within fourteen days from the termination of the several periods hereinbefore respectively

Animals and Hides not to be in possession of parties during periods stated.

fixed for the killing thereof: nor shall any possession for the purpose of sale be deemed lawful, save within such periods of fourteen days.

10. No eggs of any kind of the birds above enumerated and hereby declared to be game, shall be taken or destroyed at any time.

No Game
Birds' Eggs
to be de-
stroyed.

11. Any offence against any provision of this Act shall be punished summarily, on information and conviction before a Justice of the Peace, by a fine not exceeding fifty dollars nor less than five dollars, in the discretion of such Justice, with costs, or in default of payment by imprisonment in a common gaol for a term not exceeding two months, or by imprisonment in any common gaol for a period not exceeding three months without fine; one half of the fine to go to the Municipality and the other half to the informer.

Summary
conviction or
complaint.

12. In all cases, confiscation of the Game shall follow conviction; and the game so confiscated shall be given to some charitable institution or institutions, at the discretion of the convicting Justice.

Confiscation
of Game ille-
gally taken
or killed.

13. Any person may destroy traps, nets, or snares, set or erected, either wholly or in part in contravention of any provision of this Act.

Traps or
Snares may
be destroyed

14. And whereas it is desirable to prevent the destruction of certain animals at seasons of the year when their furs are of little or no value. It is further enacted that no Beaver, Muskrat, Mink, Sable, Otter, or Fisher, shall be trapped, hunted, taken or killed, nor shall any trap or snare be laid for the same or any of them, between the first day of May and the first day of November in any year, and all persons violating this Section of this Act shall be liable to the same proceedings and penalties, to be enforced and recovered in the same way as are above declared with respect to game.

Protection of
Furs.

No. 15.]

BILL.

[1868.

An Act to Amend the Municipal Institutions Act, of Upper Canada.

WHEREAS it is necessary, and expedient to amend Sec. 397, of the Municipal Institutions Act of Upper Canada.

Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

- 5 That Sec. 397, of the Municipal Institutions Act aforesaid be, Sec. 397 of U. C. Municipal Act amended. and the same is hereby amended by striking out the words "and that I will not connect myself with, or attend the meetings of any Secret Society while I am a member of the Police Force, for the said of "
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BILL.

To amend the 39th Section of the
Municipal Institutions Act of
Upper Canada.

1st Reading, January, 13th, 1863.
2nd Reading, January 15th, 1863.

Mr. CORN

TORONTO:
PRINTED BY SAMUEL BEATTY.

No. 16.]

BILL

[1868.

An Act to amend the Act Chapter 35 of the Consolidated Statutes of Upper Canada, entitled An Act respecting Attorneys-at-Law.

WHEREAS it is expedient to amend the Act chaptered thirty-five of the Consolidated Statutes of Upper Canada by making provision for additional examinations in certain cases of persons desiring to be admitted as Attorneys and Solicitors: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble
Con. Stat. U.
C. c. 35.

1. Notwithstanding anything in the said Act contained, no persons being of either of the classes of persons mentioned in Sub-sections one and two of Section two of the said Act shall be admitted or enrolled as an Attorney or Solicitor, unless he has at some time during the year next but two before the time of his final examination, and at some time not less than one year thereafter and during the year next but one before the time of his final examination, passed examinations to the satisfaction of the Law Society.

Persons mentioned in Sub-sections 1 and 2 of Sec. 2 of said Act to pass two examinations.

2. The examinations by this Act required shall be held under the direction of the Benchers of the Law Society, and the said Benchers and Society shall in respect thereof have the same powers, and, so far as may be, follow the same directions as are by the said Act given to them respectively in reference to the examinations by the said Act required.

To be held under the direction of the Benchers of the Law Society.

3. The first of the two examinations by this Act required shall not be requisite in the case of any person now under articles whose term of service is at the date of the passing of this Act within four years of its expiration.

First examination, when not requisite.

4. The second of the two examinations by this Act required shall not be requisite in the case of any person whose term of service is at the date of the passage of this Act within two years and six months of its expiration.

Second examination, when not requisite.

5. The preceding section of this Act shall not apply to any person whose term of service is at the date of the passing of this Act expired.

Preceding section not retrospective.

6. In case any person is prevented by illness or other unavoidable cause, from presenting himself for, or fails to pass either of the examinations by this Act required, within the time specified, the said Benchers may, in their discretion, permit such person to pass such examination at other times; Provided that not less than nine months shall elapse between the first and the second of such examinations, and not less than nine months shall elapse between the second of such examinations and the final examination.

Provision in case of illness or inability from unavoidable causes.

28 Vic., c. 21, s. 2, amended 7. The second section of the Act passed in the twenty-eighth year of Her Majesty's reign, chaptered twenty-one, and intituled "An Act to amend the Act respecting Attorneys," is hereby amended by adding thereto the words, "or who, on the eighteenth day of March, one thousand eight hundred and sixty five, were entered on the books of the Law Society of Upper Canada as Students at Law."

28 Vic., c. 21, s. 7, amended 8. The seventh section of the said recited Act is hereby amended by adding thereto the words, "and although the applicant for admission was not, at the time of such service, actually bound by contract in writing, by reason of unintentional omission, and which contract was subsequently executed; Provided, nevertheless, that such service was *bona fide* for three or five years, as the case may be, and commenced on or before the first day of July, one thousand eight hundred and fifty eight."

Title. 9. This Act may be cited for all purposes as "The Attorneys Act, 1868."

[No. 16.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL

An Act to amend Chapter 35, Consolidated Statutes of U. C.

1st Reading, Jan. 13, 1868.

2nd Reading, Jan. 15, 1868.

MR. BLAKE.

TORONTO:

Printed by Samuel Beatty.

na
Reading 23
No. 17.]

BILL.

[1868.

An Act respecting the attachment of debts in Division Courts.

HER Majesty, by and with the advise and consent of the Legislative Assembly of Ontario, enacts as follows :

1. Any party who has had an execution in any Division Court returned *nulla bona* as to the whole amount or as to part ^{On return of "nulla bona" order for attaching debts of debtor.} may obtain from the Clerk an order that all debts owing by or accruing from any person or persons to the judgment debtor of amounts within the jurisdiction of a Division Court shall be attached to answer the judgment.

2. In case the Judge be satisfied upon application on oath ^{On oath that Judgment debt is in danger.} made to him by the party in whose favor a Judgment has been given, or be satisfied by other testimony that such party will be in danger of losing the amount of the Judgment if compelled to wait until the return of the execution before such order is obtained, he may direct the order to issue at such time as he thinks fit.

PROCEEDING AGAINST GARNISHEES.

3. The person to or from whom such debts are owing or accruing is hereinafter called the garnishee, and service on him of the order or notice thereof to him in such manner as the Judge directs shall bind such debts in his hands. ^{Service on the garnishee to bind the debt.}

4. The order shall be for the Garnishee to appear before the Clerk of the Division Court, within whose division the Garnishee resides, at his office, on some day to be appointed in the said order, and the said order shall be served on such Garnishee, and if the Garnishee do not forthwith pay the amount due by him, or an amount equal to the judgment debt, and do not dispute the debt due or claimed to be due from him to the judgment debtor, or if he do not appear before the Division Court Clerk named in the order, at his office on the day appointed, then such Clerk, on proof of the service of the order having been made four days previous, may issue execution out of the Division Court of the Division in which such Garnishee resides, to levy the amount due from such Garnishee, and the Bailiff to whom such writ or execution is directed shall be thereby authorised to levy, and shall levy the amount mentioned in the said execution towards satisfaction of the judgment debt, together with the costs of the proceeding to be taxed, and his own lawful fees: But if the Garnishee disputes his liability the judgment creditor shall be at liberty to proceed against the Garnishee, according to the practice of the said Division Courts, for the alleged debt, or for the amount due to the judgment debtor, if less than the judgment debt, and for costs of suit. ^{Garnishee to appear. When execution to issue. Bailiff to levy. Disputed debt.}

5. Payment made by, or execution levied upon, the Garnishee shall be a full discharge of the debt to the judgment debtor. ^{Payment by}

garnisher.

shee, under any such proceeding as aforesaid, shall be a valid discharge to him, as against the judgment debtor, to the amount paid or levied, although the proceeding should be afterwards set aside on the judgment reversed.

Attachment
books to be
kept.

6. There shall be kept at the several offices of the Clerks of the Division Courts a Debt Attachment Book, and in such book entries shall be made of the attachment and proceedings thereon, with names, dates and statements of the amount recovered, and otherwise, and the mode of keeping such books shall be the same in all the offices, and copies of any entries made therein may be taken by any person upon application to the proper officer.

Copies taken.

Costs of at-
tachment.

7. The costs of any application for an attachment of debt under this Act, and of any proceeding arising from, or incidental to such application shall be, in the discretion of the Judge, subject to any general rules that may be made in reference thereto.

Act to form
part of the
Division
Court Act:

8. This Act shall be read as if it formed part of the Division Court Act.

[No. 17.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act respecting the Attachment
of Debts in Division Courts.

1st Reading, January 13, 1868.

2nd " January 20, 1868.

Mr. HOOPER.

TORONTO:

Printed by Samuel Peatly.

No. 18.]

BILL.

[1868.

An Act to Incorporate the Ontario College at Picton.

WHEREAS the Right Rev. John Travers Lewis, Doctor of Divinity; The Lord Bishop of the Diocese of Ontario; The Venerable Henry Patton, Doctor of Civil Law; The Archdeacon of the Diocese of Ontario; James A. Henderson, Esquire, Doctor of Civil Law; J. Cartwright, Esquire, Bachelor of Arts; J. P. Downes, Esquire, and others, have by their petitions represented that a very large sum of money has been subscribed and raised in this Province for the purpose of founding and establishing a College for the Education of Youth in the higher branches of classical and scientific knowledge, at the Town of Picton in the County of Prince Edward; that the said sum has been presented to the Lord Bishop of Ontario, for the purpose aforesaid, and that the said College has been established and is now being carried on, and have prayed that corporate powers may be conferred on the said College. Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. That the said College, which shall be composed of the Lord Bishop of the Diocese of Ontario, for the time being; The very Rev. James Leptor, the Dean; and the Venerable Henry Patton, L. L. D.; The Archdeacon of the Diocese of Ontario; the Reverend C. J. Boswell, D. C. L.; the Reverend W. Bleasdel, M. A.; the Honorable John Hamilton, (Hawkesburg); James A. Henderson, D. C. L.; J. P. Downes; James Cartwright, B. A.; Philip Low, Q. C.; F. McCannery, W. B. Simpson, G. A. Kirkpatrick, B. A., Godfrey Baker, Esquire, and the Head Master and their successors shall be and is hereby constituted a Body politic and corporate in deed and name, by and under the name of "The Corporation of Ontario College," and by that name shall have perpetual succession and a common seal, and by such name may from time to time and at all times hereafter, purchase, acquire, hold, possess and enjoy, and may have, take and receive, for them and their successors, to and for their actual use and occupation only, any lands, tenements and hereditaments, and real and immoveable property and estate within this Province, so as the annual value of the same does not exceed Eight thousand dollars; and the same may mortgage, sell, alienate and dispose of, whensoever they may deem it proper to do so; and the Corporation may further acquire any other real estate or interest therein, so as the same does not exceed the annual value of Five thousand dollars, by gift, devise or bequest, and may hold such estate and interest therein for a period of not more than seven years, and the same or any part or portion thereof or interest therein which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives, and the proceeds of such property as shall have been disposed College to be composed of parties named &c., &c.
A body politic.
Common seal.
May purchase and hold real and personal estate not exceeding \$8,000.
And other estate by donation not exceeding annual value of \$5,000.

of during the said period may be invested in the Public Securities, County Municipal Debentures, Mortgages, or other approved securities, for the use of the Corporation.

**First Council,
and their
powers.**

Make by-laws.

**Repeal and
alter, &c.**

**General man-
agement.**

**Appropri-
ation of Rents,
&c.**

**Property now
held in trust
to be vested
in the Corpor-
ation.**

**Power to ap-
point Officers,
Masters, &c.**

2. The persons named in the first section of this Act shall compose the first Council of the Corporation, and the Council for the time being shall have power to frame a Constitution for the said Corporation and to alter the same when it shall be deemed expedient, and to make all such by-laws, rules and regulations for the admission into the general management for the said College not being contrary to this Act or to the laws in force in this Province, as shall be deemed useful or necessary for the interest of the said Corporation and for the payment of officers, masters, teachers and employees, and generally for all purposes relative to the conduct and well working of the Corporation and the management and business thereof, and from time to time to repeal, alter and amend such by-laws or any of them, and shall have power to appoint such officers, masters, teachers and servants as they deem right, for the management of the said College, and to remove them at pleasure and appoint others in their places, and shall and may do, execute and perform, all and singular, other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto, subject nevertheless to the rules, regulations, restrictions and provisions hereinafter prescribed and established.

3. The rents, revenues, issues and profits of all property, real and personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance of the said Corporation, the construction and repairs of the building requisite for the purpose of the said Corporation and to the advancement of education by the instruction of youth and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

4. That all and every the estate and property, real and personal, held by any person or persons as trustees for or on behalf of the present Lord Bishop of Ontario, for the purposes of the said College institution, and all debts, claims and rights whatsoever, due and to become due to the present Lord Bishop of Ontario, for the purpose of the said College institution, shall be and are hereby vested in the Corporation hereby established, and all debts due by the said Trustees in their said quality, or by any other person or persons on behalf of the said College institution, shall be paid and discharged by the said Corporation, and the by-laws, rules, orders, and regulations now made for the management of the said College institution, shall be and continue to be by-laws, rules, orders and regulations of the said Corporation until altered or repealed in manner herein provided for.

5. The Corporation shall have power to appoint and remove at pleasure such Attorney or Attornies administrator or administrators of the property of the Corporation, and such officers, masters, teachers and servants as shall be necessary for the well conducting of the business and affairs thereof, and to allow them compensation for their services, and shall be capable of exercising such other powers and authority for the well

governing and ordering the officers, masters, teachers and servants of the said Corporation as shall be prescribed by the by-laws, rules, orders and regulations of the said Corporation.

6. In case of any vacancy occurring in the number of the Vacancies in members of the Council by absence from the Province, death, the Council. resignation, removal or otherwise, such vacancy shall and may ^{How filled.} be filled up from time to time by the Lord Bishop of Ontario, ^{President.} for the time being, who shall be the President of the Council. In his absence at any meeting of the Council a chairman shall be chosen by the members present or the majority of them.

7. The Corporation shall at all times when thereunto required Corporation by the Governor or Legislative Assembly, make a full return to make re- of their property, real and personal, and of their receipts and turn, &c., to the Govern- expenditure for such period, and with such details and other ment of their information as the Governor and Legislative Assembly may property. require.

8. This Act shall be deemed to be a Public Act.

Public Act.

1st Session, 1st Parliament, 31st Victoria, 1867.

BILL.

An Act to Incorporate the Ontario
College at Picton.

1st Reading, January 14, 1868.
2nd " January , 1868.

SIR HENRY SMITH.

TORONTO :

Printed by Samuel Beatty.

An Act to Incorporate the Grand Lodge of Ontario of the Independent Order of Oddfellows, and the Subordinate Lodges under its jurisdiction.

WHEREAS, certain persons have associated themselves Preamble.
in this Province, under the name of the Grand Lodge of Ontario of the Independent Order of Oddfellows, and the Subordinate Lodges under its jurisdiction, and have represented by petition that they are associated chiefly for the purpose of establishing a fund for the mutual assistance and benefit of the members thereof, and of their families, in case of sickness, disability or death: And, whereas, for the purpose of managing the necessary affairs of the said Association, it is desirable that they should be Incorporated;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Henry McAfee, John Barr, Edmund Beltz, Josiah B. King, James Woodyatt, William Mowatt, James McIntyre, William A. Glover, Samuel G. Dolson, William Bissell, Hiran C. Bingham, James Smith, James D. Tait, Charles D. Tufford, John Noble, Edwin Chalcraft, Thomas James and Alexander D. Clement, members of the Grand Lodge of Ontario of the Independent Order of Oddfellows, and their successors, and such and so many other persons and parties as have become, or shall become, members thereof, shall be, and are hereby, constituted a body politic and corporate, by the name of "The Grand Lodge of Ontario of the Independent Order of Oddfellows," for the objects mentioned in the preamble; and by that name shall, and may, sue and be sued, and may engage in all necessary legal acts in any Court of Law or Equity in this Province, and shall have uninterrupted succession, according to the rules of the said Order, and a common seal. Grand Lodge Incorporated. Corporate name. Corporate Power.

2. It shall be lawful for the said Corporation to acquire and hold such real and immoveable estate as may be necessary for the actual use and occupation of the said Corporation, provided that the real estate to be held by the said Grand Lodge shall, at no time, exceed in value the sum of fifty thousand dollars, and it shall be lawful for the said Corporation to sell, lease or otherwise dispose of the said property and estate as they may see fit. Power to hold Real Estate. Amount limited.

3. It shall be lawful for the said Corporation to appoint such members thereof as they may think proper, in such manner as they may, by their by-laws, provide for the purpose of managing the funds and property of the said Corporation, and to revoke such appointments, and substitute others in their places as they may think expedient, and to demand and accept such security as they may, from time to time, think proper from any other officers appointed by the said Corporation for the performance of their respective duties, and to make, ordain, Managers to be appointed. By-laws.

and put in execution all such by-laws and rules as they may think necessary for the purposes aforesaid, not inconsistent with the laws of the Province.

Subordinate
lodges may
become incor-
porated.

4. Each Subordinate Lodge, under the jurisdiction of the said Grand Lodge now instituted, or that may hereafter become instituted within the Province of Ontario, may, in the manner hereinafter specified, be, and become, a body politic and corporate, by the name, number, and place of location by which it is, or may be, designated in the said order, and each Subordinate Lodge, upon so becoming incorporated, shall have all the powers and privileges conferred upon the said Grand Lodge by the first section of this Act, for the sole purpose of managing their real and personal estate, and for enforcing the by-laws of such Subordinate Lodge to compel the payment of all dues and rates, and generally all sums of money due to such Subordinate Lodge, provided that the real estate to be held by such Subordinate Lodge shall, in no case, exceed the value of thirty thousand dollars, and shall be held for their own use and occupation only.

Mode in
which subor-
dinate Lodges
may become
incorporated.

5. Each Subordinate Lodge which may be desirous of becoming incorporated, shall and may, by a vote of two-thirds of its members present at any regular meeting (of the intention to propose which vote two weeks notice at least shall be given in regular meeting of such Subordinate Lodge by some member thereof in writing) decide to become so incorporated, and upon a copy of the vote of such decision specifying the name, number and location of such lodge, and the names of not less than ten members of such Subordinate Lodge, under the seal of the said Subordinate Lodge, and signatures of its Secretary and Presiding Officer, together with a certificate of the Grand Lodge under its corporate seal, and the signatures of its Presiding Officer and Secretary that such Subordinate Lodge is in full standing in the Order, being filed in the office of the Registrar of the County in which such Lodge is situated, the members of such Subordinate Lodge, whose names may be included in such vote as aforesaid, and their associates and successors members of such Subordinate Lodge shall be, and become, from the time of filing such certificate as aforesaid with such Registrar, a body politic and corporate, as aforesaid, by the style or name, number and place of location of such Subordinate Lodge, and a certificate, under the signature of such Registrar, of the filing of such certificate shall be *prima facie* evidence in any Court of Law or Equity in this Province of such incorporation, and for all legal purposes.

Corporate
name.

Registrar's
certificate
evidence of
incorporation

Investing
funds for
lodges.

6. It shall be lawful for the Grand Lodge, and for each Subordinate Lodge so incorporated, from time to time, to lay out and invest in such manner as may be directed by their by-laws, rules or regulations, all such sum and sums of money as shall from time to time be collected, and not required for the immediate exigencies of the Grand Lodge, or of such Subordinate Lodge, on mortgage, or in public or other stock or funds, or in such other manner as the Grand Lodge or such Subordinate Lodge may deem best, and from time to time to alter, sell and transfer such securities or funds respectively, and otherwise to reinvest or dispose of the same, and the certificate, bill of sale, deed or other instrument of transfer, sale or discharge of such estate or funds or security, shall be

made under the seal of the Grand Lodge or Subordinate Lodge, and signed by the Treasurer and Presiding Officer of the Grand Lodge or of such Subordinate Lodge, as the case may be, and all such investments shall be made, and securities taken, and sales and transfers made in the corporate name and capacity of the Grand Lodge or of such Subordinate Lodge.

7. It shall be lawful for each Subordinate Lodge, when so incorporated, to receive from the Treasurer thereof, from time to time, in their corporate name, sufficient security, by bond, with one or more surety or sureties or otherwise as such Subordinate Lodge may deem expedient, for the faithful performance of his duty as such, and that he will well and truly account for, and pay from time to time all such sums of money funds or other property as may come to his hands, or under his control, belonging to the said Subordinate Lodge.

Security to be
given by
Treasurer.

8. No member of the Grand Lodge, or of any Subordinate Lodge so incorporated, shall have any power to assign or transfer to any person or persons whomsoever any interest which he may have to or in the funds or property of the Grand Lodge or of such subordinate Lodge, but the same shall at all times be and remain under the control of the Grand Lodge or of such subordinate Lodge, and no stock or property of any kind belonging to the Grand Lodge or to such incorporated subordinate Lodge shall be subject to the payment of the private debts of any of its members or be liable to be taken in execution by any judgment creditor against any individual members of the said Grand Lodge or of such subordinate Lodge.

Shares in pro-
perty trans-
ferable.

9. The property of the Grand Lodge, or of each of the subordinate Lodges when so incorporated, shall also be held responsible for the debts and engagements of the Grand Lodge or of each such subordinate Lodge, owning such property.

Liability of
Lodges.

10. If at any time hereafter any one or more of the subordinate Lodges shall become extinct, dissolved, or so far involved as to be unable to meet its engagements, then and in such case the funds, property and effects held by such Lodge so dissolved or becoming extinct or bankrupt shall be *ipso facto* vested in the Grand Lodge aforesaid, and it shall and may be lawful for the said Grand Lodge to enter into and upon and take possession of the said property, both real and personal, of which the said subordinate Lodge so becoming extinct, bankrupt or dissolved shall be possessed, and the same and all debts owing to the said subordinate Lodge, and all liens and securities therefor, and all the rights of action of the said incorporation for any goods or estate real or personal, shall thenceforth and thereafter be and become vested in the members, trustees or officers appointed for the purpose of managing the real and personal estates and effects of the said Grand Lodge, their successors and assigns, and upon so entering and taking possession of the said estates and effects of the said subordinate Lodge, the said Grand Lodge, so far as the said property shall extend, shall be and become liable for and subject to all debts and liabilities contracted by such subordinate Lodge in its corporate capacity, and shall and may the forth substitute the name or names of such trustees or trustee or officers as aforesaid for the time being, and of their successors, in all actions then pending and

If any subor-
dinate lodge
becomes ex-
tinct, dis-
solved or
bankrupt,
Grand Lodge
may take
possession.

Rights of the
Grand Lodge
in such case.

in their own names or name bring and prosecute all such actions or action, suits or suit, as the said subordinate Lodge might otherwise have done, and may give such releases and such discharges as might have been given by the said subordinate Lodge, and may sell and convey all such property, both real and personal, as he said Sudordinate Lodge was possessed of or entitled to at the time of becoming extinct, bankrupt or dissolved, and may give all such deeds as may be necessary for the proper conveyance of the same.

Proviso as to
total amount
of real estate.

11. Nothing in this Act contained shall authorize the said Grand Lodge to hold real estate exceeding the aforesaid value of Fifty Thousand Dollars for a longer period than may be reasonably necessary to allow of selling the same.

Subordinate
Lodges to be
subject to
Grand Lodge.

12. All Subordinate Lodges that may become incorporated under the provisions of this Act, and the members thereof, shall from thenceforward be and become subject and amenable to the By-Laws, Rules and Regulations of the Grand Lodge aforesaid, and shall have and exercise all their powers and privileges under this Act, subject to the said By-Laws; Rules and Regulations, and not otherwise.

Members ex-
pelled to have
no claim on
funds.

13. When any member is expelled or suspended by the Grand Lodge or by any Subordinate Lodge, or in case any member retires from the Grand Lodge or from any Subordinate Lodge, the said member shall cease to have any interest or claim whatever upon the Funds or Property of the Grand Lodge, or of such Subordinate Lodge.

Subordinate
Lodges may
be dissolved.

14. In case the Grand Lodge declares the Charter of a Subordinate Lodge forfeited, pursuant to the Constitution, By-Laws, Rules and Regulations of the said Grand Lodge, such Subordinate Lodge shall stand dissolved.

Members of
the corpora-
tion to be
competent
witnesses in
suit when it
is a party.

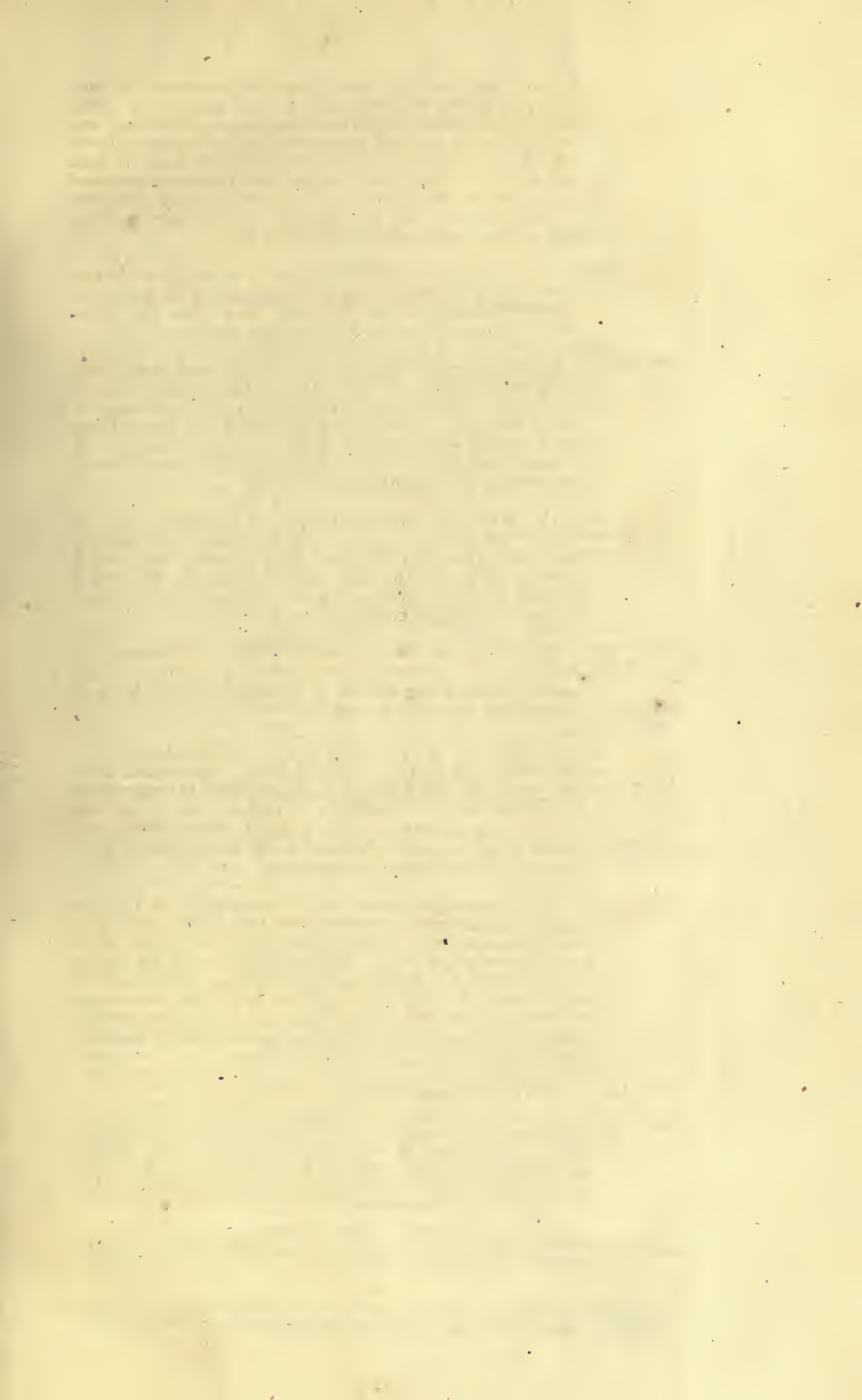
15. Each and every member of the said Grand Lodge, or of any Subordinate Lodge of the said Order, incorporated under the provisions of this Act, shall be competent to be examined as a witness for or on behalf of or against any party in any suit or proceeding, either at law or in equity, to which the corporation of which he is a member may be a party, any law, usage or custom to the contrary notwithstanding.

Return to
Legislature.

16. The said Grand Lodge hereby incorporated shall present to the Lieutenant-Governor and the Legislative Assembly of the Province, within the first fifteen days of each Sssion of the said Parliament, a return shewing the amount of the real or other property held by the said Grand Lodge, and by each of the Subordinate Lodges incorporated under the provisions of this Act, together with lists of the names of the managers and officers of the said Grand Lodge and Subordinate Lodges respectively.

Public Act.

17. This Act shall be deemed a Public Act.



BILL.

An Act to Incorporate The Grand Lodge of Ontario of the Independent Order of Oddfellows, and the Subordinate Lodges under its jurisdiction.

1st Reading, January 14, 1868.
2nd Reading, January , 1868.

Hon. E. B. Wood.

TORONTO :

Printed by Samuel Beatty.

No. 20.]

BILL.

[1868.

An Act to Extend the Erie and Niagara Railway,

WHEREAS An Act was passed by the Parliament of the then Province of Canada, in the Twenty-seventh Year of the Reign of Her Majesty, intituled "*The Erie and Niagara Railway Company Act of 1863*," under which the said Company has constructed its line of Railway from the Village of Fort Erie to the Town of Niagara. And whereas the said Company and a large number of Municipalities have, by their Petitions, represented that it would be greatly to the advantage of a large and important section of this Province, that a Railway should be constructed from some point at or near the Village of Fort Erie, to some point in the County of Essex, so as to pass through the Counties of Haldimand, Norfolk, Elgin, Oxford and Kent, and through or in the vicinity of the County of Middlesex. And it is expedient to grant the prayer of the Petitioners, therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. For the construction of the said Line of Railway, the following persons, viz.: William A. Thomson, Adam Crooks, Colin Munro, John Duck, Shelton Sturgis, Horatio Newcomb, C. A. DeGraff, Henry J. Killmaster, Thomas M. Nairn, together with such other persons as may become Shareholders in the Company, hereby incorporated, are hereby ordained and declared to be a body Corporate, under the name of "The Erie and Niagara Extension Railway Company."

Provisional
Directors.

2. The several clauses of the Act Chaptered 66 of the Consolidated Statutes of the former Province of Canada, intituled "An Act respecting Railways," with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act in respect to "Interpretation," "Incorporation Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "President and Directors—their Elections and Duties," "Calls," "Shares, and their Transfer," "Municipalities," "Shareholders," "Actions for Indemnity," and "Fines and Penalties, and their Prosecution," "By-Laws, Notices, &c.," "Working of the Railway," and "General Provisions," are hereby incorporated with this Act, but in so far only as the said Clauses, or any part thereof respectively, may be construed to have reference to any act, deed or matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario.

Railways Act
to apply.

3. The said Company shall have power to construct a line of Railway from a point in the Township of Bertie, at or near the Village of Fort Erie, passing through the Town of Saint Thomas, to some point in the County of Essex, in or near the Town of Sandwich, or the Town of Windsor, and to construct a Branch from the Main Line to some point in or near the Town of Amherstburgh.

Line of Rail-
way.

4. The Capital Stock of the said Company shall be Five Millions of Dollars, divided into Fifty Thousand Shares of One Hundred Dollars each.

Capitol Stock

5. The persons named in the first clause hereof are constituted the Board of Provisional Directors of the said Company, and shall hold office

Powers of
Provisional
Directors.

as such until the first election of Directors under this Act, and shall have power and authority, immediately after the passing of this Act, to open Stock Books, and procure subscriptions of Stock for the undertaking, giving at least four weeks previous notice by advertisement in the newspapers hereafter mentioned, and in the Ontario *Gazette*, of the time and place of their meeting, to receive subscriptions of stock, and the said Provisional Directors may cause surveys and plans to be made and executed, and to acquire any plans and surveys now existing, and it shall be their duty as hereinafter provided, to call a general meeting of Shareholders for the Election of Directors.

- No subscrip-
tion valid un-
less ten per
cent. paid
thereon.
6. No subscription of Stock in the Capital of the said Company shall be legal or valid, unless Ten per centum shall have been actually and *bona fide* paid thereon, within Five days after subscription into one or more of the Chartered Banks of this Province, to be designated by the said Directors, and such ten per centum shall not be withdrawn from such Bank, or otherwise applied, except for the purposes of such Railway or upon the dissolution of the Company, from, any cause whatever, and the said Directors, or a majority may in their discretion, exclude any persons from so subscribing, who, in their judgment would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act, and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said Directors may in their discretion exclude any one or more of the said subscribers, if in their judgment, this will best secure the building of the said Railway.
- Powers of Di-
rectors.
7. So soon as Two Million Dollars of the said Capital Stock shall have been subscribed as aforesaid, and Ten per centum *bona fide* paid thereon, and deposited in one or more of the Chartered Banks of this Province, for the purposes of the Company, the hereinbefore mentioned Directors, or a majority of them shall call a meeting of the Shareholders of the said Company, at such time and place, as they may think proper, giving at least two weeks notice in one or more Newspapers published in the Counties of Welland, Elgin, Norfolk, Kent, Haldimand, Middlesex, Oxford, and Essex, and in the Ontario *Gazette*, respectively, at which meeting the Shareholders shall elect Nine Directors from the Shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold Office until the next annual general Meeting of the Shareholders as hereinafter provided.
- Directors to
call meetings
of share-
holders.
- Advertise-
ments.
8. The annual general meeting of the Shareholders for the Election of Directors, and other general purposes shall be held at the Village of Fort Erie, or elsewhere, within this Province, as may be appointed by By-Law, on the first Wednesday in the month of June, in each year, and two weeks previous Notice thereof shall be given by publication in Newspapers, as provided in the last preceding Clause.
- Meeting for
election of
Directors.
9. No person shall be elected a Director of the said Company unless he shall be the holder, and owner of at least Twenty Shares in the Stock of the said Company, and shall have paid up all calls made thereon.
- Qualification.
10. No call to be made at any time upon the said Capital Stock shall exceed Ten per centum on the subscribed capital.
- Call.
11. Whenever it shall be deemed expedient by the Board of Directors, that a special general meeting of the Shareholders shall be convened, the same may be done by advertisement to be published in the manner last hereinbefore mentioned, and by Circulars addressed by post to each Shareholder, at his last known or usual place of address, not less than two weeks previously thereto, and the special object of the said meeting be distinctly set forth in such advertisement and circular.
- Special meet-
ing.

12. All deeds and conveyances for land required by the said Com- **Conveyances**
pany may be in the form given in Schedule A. annexed, and all Regis-
trars are required to register the same on the production of a duplicate
thereof, with an Affidavit of the due execution, and for so doing the
Company are to pay to the said Registrar for so doing the fee of two
shillings and six pence; and no more.

13. The Directors of the said Company, after the sanction of the
shareholders shall have been first obtained at any special general meet- **Bonds.**
ing to be called from time to time for such purpose, but limited to the
terms of this Act, shall have power to issue bonds made and
signed by the President or Vice-President of the said Com-
pany, and countersigned by the Secretary and Treasurer, and
under the seal of the said Company for the purpose of raising money
for prosecuting the said undertaking, and such bonds shall without
registration or formal conveyance be taken, and considered to be the
first and preferential claims and charges upon the undertaking, and the
property of the Company, real and personal, and then existing, and at
any time thereafter acquired, and each holder of the said bonds shall
be deemed to be a mortgagee and incumbrancer *pro rata* with all the
other holders thereof upon the undertaking and the property of the
Company as aforesaid. Provided, however, that the whole amount of
such issue of bonds shall not exceed in all the sum of five million
dollars, nor shall the amount of such bonds issued at any one time be **Mode of Issue.**
in excess of the amount of the paid up instalments on its share
capital; and which have been actually expended in surveys and in
works of construction upon the line: And provided, also, further, that
in the event at any time of the interest upon the said bonds remaining
unpaid, and owing then at the next ensuing general annual meeting of
the said Company, all holders of bonds shall have and possess the
same rights and privileges, and qualifications for Directors, and for
voting as are attached to Shareholders, provided that the bonds and
any transfers thereof shall have been first registered in the same manner
as is provided for the registration of shares.

14. Two million dollars, at least, of the said capital stock shall be **When work**
subscribed, and the said deposit in cash of ten per centum thereon **to be com-**
shall be made, and the said line of Railway be *bona fide* commenced **menced, and**
within two years from the passing of this Act, and at least one million **Conditions.**
of dollars shall be *bona fide* expended in works of construction thereon
within three years from the passing of the said Act, and in default of
any one of the said several foregoing requirements, then this Charter
and the privileges thereby conferred shall become forfeited.

15. The said Line of Railway shall be completed within five **To be com-**
years from the passing of this Act. **pleted in five**
years.

16. The Gauge of the said Railway shall be five feet six inches, **Gauges.**
with power to lay down a third or more rails of another gauge, as the
Directors may determine upon.

17. This Act may be cited as the "Erie and Niagara Extension Title.
Railway Act of 1868."

Public Act.

18. This Act shall be deemed a Public Act.

SCHEDULE A.

Know all men by these Presents, that I,
 , of
 do hereby, in consideration of
 paid to me by the Erie and Niagara Extension Railway Company, (the
 receipt whereof I do hereby acknowledge,) do grant and confirm to
 the said Company, its Successors and Assigns, for ever, all that certain
 Parcel of Land situate

for the purpose of their Railway. And I,
 the Wife of the said , do hereby release
 my Dower on the said Lands.

As witness hand and seal this day of
 One Thousand Eight Hundred and Sixty-eight.

Signed, Sealed and Delivered }
 in the presence of }

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to extend the Erie and Ni-
 gara Railway.

1st Reading, January , 1868.

2nd Reading, February 6, 1868.

MR. McKELLAR.

TORONTO:
 PRINTED BY SAMUEL BEATTY.

Reading
14 May
23
14 July
No. 21.]

BILL.

1868.

An Act to Protect Butter and Cheese Manufacturers.

WHEREAS it is expedient and necessary to encourage and protect Butter and Cheese Manufacturers in this Province; therefore—

Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. Whosoever shall knowingly and fraudulently sell, supply, ^{Fraudulent supply.} bring, or send to be manufactured to any cheese or butter manufactory in this Province, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or whoever shall keep back any part of the milk known as "strippings," or whoever shall knowingly and fraudulently sell, send, bring or supply milk to any cheese or butter manufactory that is tainted or partly sour from want of proper care in keeping pails, strainers, or any vessel in which said milk is kept, clean and sweet, after being notified of such taint or carelessness, either verbally, or ^{Fraudulent use by employees, &c.} in writing; or any butter or cheese manufacturer who shall knowingly and fraudulently use, or direct any of his or her employees to use for his, her, or their individual benefit, any cream from the milk brought to any cheese or butter manufactory without the consent of all the owners thereof, shall, for each and every offence, forfeit and pay a sum not less than five dollars nor more than one hundred dollars, in the discretion of the presiding Justices before whom the case shall be heard. ^{Penalty.}

2. Any two or more Justices of the Peace, having jurisdiction within the locality where the offence has been committed, may hear and determine such complaint upon the oath of one or more credible witnesses, and shall have power in case the penalty and costs awarded by them be not forthwith paid upon conviction to levy the same by distress and sale of the goods and chattels of the offender by warrant under their hands and seals or the hands and seals of any two of them and the penalty, when recovered, shall be paid over by such Justices; one-half to the person complaining, and one-half to the Treasurer of the Municipality, District or place where the offence shall have been committed; and in default of payment or sufficient distress the offender may, by warrant signed and sealed as aforesaid, ^{Conviction and levy.} be imprisoned in the Common Gaol for a period not less than one day nor more than twenty days, at the discretion of such Justices, or any two of them, unless such penalty, costs, and the charges of commitment be sooner paid. ^{In default of distress imprisonment.}

3. Or the party aggrieved by any such fraudulent conduct as aforesaid may at his or their election sue the offender in any Civil ^{Civil remedy.} Court of competent jurisdiction and recover from him the amount of damages sustained, and levy the same with the costs accord-

ing to the ordinary practice of the Court in which such suit shall be brought.

4. Provided, always, that no Justice or Justices having any pecuniary interest in any such Butter or Cheese Manufactory, as aforesaid, shall hear or determine any such suit.

[No. 21.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to protect Butter and Cheese
Manufacturers.

PRIVATE BILL.

1st Reading, January 14th, 1868.
2nd Reading, January 21st, 1868.

MR. A. OLIVER.

TORONTO:

PRINTED BY SANCELL BEATTY.

No. 22.]

BILL.

[1868-

An Act to amend the Act Incorporating the Wellington, Grey and Bruce Railway Company.

WHEREAS the Wellington, Grey and Bruce Railway Company have by their Petition set forth that various Municipalities, to the North and North-west of the Town of Guelph, being deeply interested in the establishment of Railways, and being at present destitute of proper facilities for communicating with the various produce markets of the Province, are desirous of aiding their undertaking by free grants or donations of Debentures by way of bonus, but that no means at present exist, by law, of granting such proposed aid, except by the subscription of stock, which the said Municipalities are desirous of avoiding; Preamble.

And whereas several of such Municipalities have, nevertheless, by By-Laws, duly approved of by the Electors and passed by the Councils of such Municipalities respectively, authorized and empowered their Reeve or Chief Officer to subscribe for shares in the capital stock of the said Railway, and to issue Debentures therefor, under and subject to certain stipulations and conditions referred to in the several By-Laws, and the agreements made and entered into, between such Municipalities and the Directors of the said Railway, with the view and intention, nevertheless, as expressed in such By-Laws, of making a free gift of such Debentures to the said Railway Company, and applying for Legislative authority so to do; and the said Railway Company have prayed for such amendments to their Charter as will enable such Municipalities fully to carry out their intention to aid their said undertaking, and for certain other powers in reference to the issue of Bonds, and it is expedient to grant the prayer of the said petition; By-Laws already passed for shares.

Her Majesty, therefore, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. The several By-Laws, so passed and approved, and the Debentures issued, or to be issued thereon, are hereby declared to be good and valid in Law, although the Reeve or other Chief Officer of the Municipality, passing the same, may not have subscribed for stock in the said undertaking, and the several agreements made and entered into between the Directors of the said Railway Company and such Municipalities, or which may be so entered into, for the purpose of securing the due performance of the conditions contained in such by-laws, are declared to be valid and binding, anything in the Municipal Institutions Act of Upper Canada, to the contrary in any wise notwithstanding. the same to be valid.

2. It shall be lawful for any other Municipality interested in the said undertaking, to pass a by-law or by-laws authorizing similar aid to the said Railway, by the issue of Debentures upon such terms, and subject to such restrictions and conditions Other municipalities may aid.

as may be mutually agreed on between such Municipality and the Directors of the Railway, and the Directors, for the time being, are authorized and empowered, on behalf of the Company, to enter into an agreement or agreements for the due performance of any such terms and conditions as may be contained in such By-Law, or may be mutually agreed upon between the said Directors and the Council of such Municipality.

No interest thereunder claimable in Railway.

3. The several municipalities which have passed, or may hereafter pass by-laws for such donation, by way of bonus, shall not be entitled to claim any interest in the said Railway as shareholders, nor be liable as such for any debt, obligation or contract of the Company.

Variation of Line of Railway.

4. It shall be lawful for the Municipal Council of the several municipalities making such by-laws, upon the request of the Company, to make such alterations and variations in the conditions thereof, as to the line of the route mentioned therein, as may be necessary to form a continuous and direct line in connection with that laid down in the By-Law of an adjoining Municipality, or as an actual survey of the line may render necessary or expedient, and such alteration shall be as valid and effectual as if the same had been contained in the original By-Law, and the agreement of the Directors relating thereto. Provided always, that nothing herein contained shall be construed as authorizing the said Council to sanction any deviation from the line so laid down, beyond what may be necessary to form such direct and continuous line through the adjoining Townships, as aforesaid, as may be rendered necessary from natural difficulties.

Proviso.

Conditions of by-laws may be altered.

5. It shall, nevertheless, be lawful for such Council, with the assent of the Ratepayers, at the request of the Railway Company, from time to time to make such alterations in the conditions of such by-laws as may be found necessary or expedient, due notice being given for the same period and in the same manner as is required under the 196th Section of the Municipal Act.

Issue of Debentures by Counties of Wellington, Grey and Bruce.

6. It shall be lawful for the County Councils of the Counties of Wellington, Grey and Bruce, or either of them, to pass a By Law or By-laws to issue their Debentures for the same amounts as have been, or shall be, issued by the several Township or Village Municipalities, or either of them, within their respective Counties, on receiving, as an indemnity or security from such Municipality, a deposit of the Debentures hereby legalised or authorised to be issued, as aforesaid, and by the same or any subsequent by-law, to authorise the delivery thereof, to the Railway Company, in lieu of the debentures of such local Municipalities as aforesaid, or such County Councils may pass a by-law or by-laws to guarantee the payment of such debentures of the local Municipality, without, in either case, submitting the same for the assent of the electors of such County or Counties.

Repeal of 22nd clause of Company's Charter.

7. The 22nd clause of the Company's Charter is hereby repealed, and in lieu thereof, it is enacted that the Directors of the Company shall have power from time to time, upon being duly authorised thereto, by a vote of the majority of the shareholders present in person, or by proxy, at a meeting of the

Company, duly called for that purpose, to issue their Bonds, made and signed by the President or Vice-President of the Company, and countersigned by the Secretary, and under the seal of the Company, for the purpose of raising money for prosecuting the undertaking. And such Bonds shall be considered privileged claims upon the property of the Company, and shall be a charge upon the Railway, without Registration. Provided always that the whole amount of such bonds shall not exceed the Capital Stock of the Company so granted by way of bonus at the time of the issue of such bonds.

8. This Act shall be deemed a Public Act.

Public Act,

1st Session, 1st Parliament, 31st Victoria, 1867.

BILL.

An Act to amend the Act Incorporating the Wellington, Grey, and Bruce Railway Company.

1st Reading, January 14, 1868.

Hon. E. B. Wood.

TORONTO:

Printed by Samuel Beatty.

1868.

1. The estate and interest, of the said John Knatchbull Roche deceased, at the time of his death, of, in and to Lot number four on the south side of Ridout street, in the Town of Port Hope aforesaid, is hereby declared to be transferred to and vested in the said Annie Elizabeth Roche, James McFeeters and George Molyneux Roche, and the survivors or survivor of them as Trustees for the purpose of carrying into effect the aforesaid contract of sale, and it shall be lawful for the said Trustees and the survivors and survivor of them and they are hereby empowered to carry the said contract of sale into full

Power for trustees to fulfil contract and execute deeds.

effect, and to make and execute a proper conveyance of the said Lot number Four on the south side of Ridout street, in the Town of Port Hope, unto the said James Brownscombe, his heirs and assigns, according to the legal intent and meaning of the aforesaid contract, anything in the said Act to the contrary notwithstanding.

Repeal of part
of the first
clause of Act
cited.

2. So much of the first clause of the said Act as relates to Town Lot number Eighteen, erroneously described as being on the north side of Burton street, in the said Town of Port Hope, is hereby repealed, the name "Burton street" being a typographical error; and instead thereof the said Act shall be read and construed as having reference to Town Lot number Eighteen on the north side of Bruton street, in the said Town of Port Hope.

3. This Act shall be deemed a Public Act.

[No. 23.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to amend an Act of Legislature of Canada, intituled "An Act to vest certain Real Estate of the late John Knatchbull Roche, in the hands of Trustees.

1st Reading, January 14, 1868.

MR. ARTHUR T. H. WILLIAMS.

TORONTO:
PRINTED BY SAMUEL BEATTY.

30 11
6 Feb

No. 24.]

BILL.

[1868.

An Act to vest certain Real Estate in the Rector and Churchwardens of the Church of Saint John the Evangelist, in Port Hope, with authority to raise money upon the security of the same for the completion of a new Church thereon and for other purposes.

WHEREAS the Reverend Frederick Augustus O'Meara, L.L.D., Rector of the First Parsonage or Rectory with-
in the Township of Hope in the County of Durham, otherwise
called the Parsonage or Rectory of Saint John the Evangelist,
and Henry Howard Meredith and Thomas Moore Benson,
Church Wardens of the Church of Saint John the Evangelist
in Port Hope, and the Vestry of the said Church have by their
Petition set forth that the Lands and premises hereinafter par-
ticularly mentioned and described were in his lifetime conveyed
to the Reverend Jonathan Short, D.D., since deceased, then
being Rector of the said Parsonage or Rectory in his Corporate
capacity and to his successors upon trust to hold the same for
ever thereafter to and for the uses and purposes of a site for
the erection thereon of the Parish Church of the said Parson-
age or Rectory of Saint John the Evangelist.

Preamble.

Petition.

That the said the Reverend Jonathan Short has departed this life and the said Frederick Augustus O'Meara hath been duly appointed and inducted Rector of the said Parsonage or Rectory in his stead.

That the building hitherto used as the Parish Church of the said Rectory having become much out of repair and being inconveniently situated, the said Land and premises hereinbefore referred to were selected and approved by the Vestry of the said Church, as the site upon which to erect a new Church as the Parish Church of the said Rectory and was purchased and paid for by the voluntary contributions of members of the said Vestry, and by their request was conveyed as therein set forth.

That the sum of nine thousand dollars or thereabouts has been subscribed and expended towards the building of the said new Church on the said Land and the said Church is now in course of erection thereon.

That a further sum of five thousand dollars or thereabouts will be required to complete the said building and that persons are willing to advance the sum to the Petitioners for that purpose upon the security of the said land and building and the pew rents which may be derived therefrom.

And the Petitioners have prayed that an Act may be passed to vest the said Land and premises in them the said Petitioners as such Rector and Churchwardens and their successors and

Prayer.

assigns upon the same trusts as aforesaid, with power to raise by way of Loan by Mortgage or otherwise, a sum not exceeding the sum of five thousand dollars for the completion of the said new Church and to pledge the revenues of the said Church for the re-payment of the same and the interest thereon.

And whereas it is expedient to grant the prayer of the said Petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Parcels.

1. All those certain parcels of Land situate and being in the Town of Port Hope aforesaid, in the County of Durham and Province of Ontario, mentioned and described in the said Deed of Conveyance to the said Reverend Jonathan Short, D.D., and his successors, composed of the North parts of Lots numbers three hundred and thirteen and three hundred and fourteen in the sub-division of Park Lot number Twenty, made by the late John David Smith, Esquire, and duly registered in the Registry Office for the East Riding of the said County of Durham and which said parcel of Land thereby intended to be conveyed is more particularly described in the said Deed of Conveyance thereof to the said Jonathan Short, with all their rights, members and appurtenances are hereby vested in the said Frederick Augustus O'Meara, Rector of the said Parsonage or Rectory, and Henry Howard Meredith and Thomas Moore Benson, Churchwardens of the said Church of Saint John the Evangelist and their successors in the said respective offices for ever, upon trust to hold the same to and for the uses and purposes of the Parish Church of the said Parsonage or Rectory of Saint John the Evangelist in Port Hope.

Authority to
raise Loan not
exceeding
\$5,000.

2. The said Rector and Churchwardens are hereby authorized and required to raise by way of loan, from any person or persons or body or bodies Corporate who may be willing to advance the same upon the security of the said lands and premises, such a sum of money, not exceeding the sum of Five thousand dollars, as may be necessary for the completion of the said Church now in course of erection thereon, at such rate of interest as may be agreed upon, and for that purpose to convey by way of mortgage, freed and discharged from the trusts hereinbefore mentioned, the said lands and premises and the buildings thereon erected or in course of erection thereon, and to pledge the rents of all pews and sittings in the said new church for the payment of the amount so to be borrowed with the interest thereon, and to delegate to the person or persons, body or bodies corporate, so lending and advancing money as aforesaid, all rights and powers in the said Rector and Churchwardens by law vested, for the collection and recovery of the said rents.

Pew rents.

Free Seats
reserved.

3. In any mortgage or other instrument to be executed by them, the said Rector and Churchwardens, as a security for the said Loan, the said Rector and Churchwardens may, after setting apart at least twenty pews for free seats, fix and determine the annual rental or minimum annual rentals for such or so many of the pews and sittings in the said New Church as they may deem expedient, which rental or rentals shall not be less in the aggregate than the sum required to pay the annual in-

terest on the amount lent or advanced on the said security, and it shall not be lawful for the Vestry or other authorities of the said New Church to reduce or diminish such rentals so long as any portion of the amount so to be borrowed, or of the interest thereon, shall remain unpaid.

4. No person or persons, body or bodies corporate, so lending or advancing money to the said Rector and Churchwardens or their successors, shall be in any way bound to see to the application or answerable for the non-application or mis-application of any money so loaned or advanced as aforesaid. Lender not answerable for application of money loaned.

5. From and out of any money borrowed as aforesaid, the said Rector and Churchwardens or their successors shall in the first place pay all sums of money lent or advanced by any member or members of the Building Committee appointed by the said Vestry and used in the erection of the said New Church, or for the payment of which any member or members of the said Building Committee may have become in any manner liable in anticipation of the passing of this Act. Application of Loan.

6. This Act shall be a Public Act.

BILL.

An Act to vest certain Real Estate in the Rector and Churchwardens of the Church of St. John's the Evangelist, in Port Hope, with authority to raise money upon the security of the same for the completion of a New Church thereon, and for other purposes.

1st Reading, January 14, 1868

2nd Reading, January , 1868.

MR. ARTHUR F. II. WILLIAMS.

TORONTO:

Printed by Samuel Beatty.

No. 25.]

A BILL

[1868.

Intituled "An Act to repeal a portion of the Municipal Institutions Act of Upper Canada (Ontario)."

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. That all the words after the words "the One Hundred and Ninety-sixth Section of this Act," in the Two Hundred and Twenty-seventh Section, and the whole of the Two Hundred and Twenty-eighth Section of the Act intituled "An Act respecting the Municipal Institutions of Upper Canada" (Ontario), are hereby repealed.

Part of the 227 Sec., and the whole of the 228 Sec., of the U. C. Municipal Act (1866) repealed.

2. That this shall be deemed a public Act.

Public Act.

BILL.

To repeal a portion of the 227 Section
and the 228 Section of "An Act
respecting the Municipal Institu-
tions of Upper Canada" (Ontario).

1st Reading, January 15, 1868.

2nd Reading, January 22, 1868.

JOHN CARNEGIE.

TORONTO:

PRINTED BY SAMUEL BEATTY.

An Act to Incorporate the Toronto Young Men's Christian Association.

WHEREAS an Association under the name of the ^{Preamble.} Toronto Young Men's Christian Association, has existed for several years in the City of Toronto, having for its object the improvement of the spiritual, intellectual, and social condition of young men, and the promotion of Christian work in that City, and is governed by a Constitution and by-laws which have received the assent of the members of the said Association; [And whereas the members of the said Association have by petition prayed to be incorporated, and it is expedient to grant their petition. Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. Daniel Wilson, LL.D., Robert Baldwin, James Carlyle, ^{Incorporation} M.D., B. Homer Dixon, R.N.L., George Hague, John Mac- ^{of members.} donald, Robert Walker, J. C. Hamilton, Walter B. Copp, John K. Macdonald, F. W. Kingstone, William Anderson, W. J. Morphy, William Grainger, John Laird, George Chaffy, Jr., Richard Faircloth, W. J. Robertson, E. J. Joselin, and such other persons as now are or hereafter shall become members of the said Association, shall be and they are hereby constituted a body politic and corporate, under the name of "The Toronto Young Men's Christian Association," and shall ^{Power to hold} have power to acquire and hold real estate, and the same or ^{Real Estate.} any part thereof, to alienate, exchange, mortgage, lease, or otherwise charge or dispose of, as occasion may require, and shall have all the rights, privileges, and powers which are vested in a corporation by the Interpretation Act. Provided, always, that the clear annual value of the real estate held ^{Annual value} by the said corporation, at any one time, shall not exceed ten ^{not exceed-} thousand dollars. ^{ing \$10,000.}

2. The personal property of the said Association shall become the property of, and is hereby vested in, the said ^{Personal prop-} Corporation. ^{erty.}

3. The said Corporation shall have for its object, the object mentioned in the Preamble to this Act, but shall also have ^{Object of the} power to engage and employ, at a salary, one or more mis- ^{Corporation.} sionaries to the destitute, degraded, or irreligious classes of ^{Employment} the population of the said City. ^{of Mission-}

4. The constitution and by-laws by which the said Association is now governed shall be the constitution and by-laws ^{Constitution} of the said corporation, but they or any of them may be added ^{and By-laws.} to, amended, or repealed, and others substituted therefor, in the manner and subject to the conditions and provisions therein stated.

5. The officers and the members of the Board of Managers

Board of
Managers.

of the Association, at the time of the passing of this Act, shall be the officers and the members of the Board of Managers of the said Corporation, and shall retain their respective offices and positions until others shall be elected in their place.

A return of
all property
held, &c., to
be made
when re-
quired.

6. The said Corporation shall, at all times, when required by the Lieutenant-Governor of the Province, make a full return of all property held by it, with such details and other information as the Governor may require.

Public Act.

7. This Act shall be deemed a Public Act.

[No. 26.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to Incorporate The Toronto
Young Men's Christian Associ-
ation.

PRIVATE BILL.

1st Reading, January, 16th, 1868.

Mr. BLAKE:

TORONTO:

PRINTED BY SAMUEL BEATTY.

No. 27.]

BILL.

[1868.

An Act to amend "the Assessment Act of Upper Canada," Cap. 53.

WHEREAS it is necessary to amend the said above recited Act.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. That Subsection 1 of Section 21, of said Act, be altered and amended by substituting the words "in the order of Lots and Concessions," instead of the words "in Alphabetical Order," in the second line of the said Subsection, and that the said Subsection be hereafter read and understood accordingly, with relation to other portions of the said Subsection. Subsection 1 of Section 21 amended.

2. In amendment of the Thirty-fifth Section of the said Act, that instead of the rate or scale of Assessment contained in such Section, all net personal property of any person shall be assessed at its actual value. Section 35 amended.

3. In amendment of the Fiftieth Section of the said Act—That the Assessors shall complete their Rolls at such time, in each year, as the said County directs, not later than the fifteenth day of March in the same year such rate is to be levied, Section 50 amended.

4. In amendment of the Sixty-third Section of the said Act—That the Court of Revision shall also, before the first day of April, decide upon all or any petitions or appeals against the assessment. Section 63 amended.

5. In amendment of Subsection 6, of Section Sixty-four of the said Act—That the Judge or Recorder, as the case may be, shall hear the appeals, and may adjourn the hearing from time to time, and defer the judgment thereon, at his pleasure, so that a return can be made to the Clerk of the Municipality on or before the first day of May in each year, and any party, dissatisfied with his judgment, may appeal to any of the Supreme Courts of Law, against such judgment. Subsection 6 of Section 64 amended.

6. In amendment of the Seventy-second Section of the said Act—That the County Council shall yearly meet, not later than the fifteenth day of May, to examine the Assessment Rolls of the different Townships, Towns and Villages in the County, and for the purposes in the said Section mentionnd. Section 72 amended.

7. In amendment of the Seventy-eighth Section of the said Act—That the County Clerks shall, before the first day of June, annually certify to the Clerk of each Township, Town or Village; in the County, the Total amount which has been directed to be levied therein, for the current year, for the purposes therein Section 78 amended.

stated, and the Clerk of the Township, Town or Village, shall calculate and insert the same in the Collector's Roll for that year.

Section 84
amended.

8. In amendment of section eighty-four, of the said Act, that every person assessed upon the Assessment Roll of a Township shall be rated for statute labour in proportion to the *actual value* of his or her real and personal property, and in such manner as shall be directed by any By-law of the Municipality of the Township.

Section 87
amended.

9. In amendment of the eighty-seventh section of the said Act, that the statute labour in the Township in respect of lands of non-residents shall be commuted on the same scale as resident ratepayers.

Statute labor
of nonresi-
dents.

10. That non-residents shall be rated for statute labour in proportion to the actual value of the real property owned by them in such municipality, the same as residents on each separate lot

Section 93
amended.

11. In amendment of the ninety-third section of the said Act, that the Clerk of every Local Municipality shall make out a roll, in which he shall enter the lands of non-residents whose names have not been set down in the Assessor's Roll, with the value of every lot, and other particulars set forth in the said section, and shall transmit the same to the Treasurer of such Local Municipality, certified under his hand, or to the City Chamberlain, as the case may be, on or before the said fifteenth day of March.

Township
Treasurer
substituted
for County in
certain cases.

12. That the said Act be further amended by substituting the words "Township Treasurer" for the words "County Treasurer" in the 110, 112, 114, and all subsequent Sections of the said Act, where the words "County Treasurer" occur: and that all the duties, powers and functions belonging to or to be exercised and performed by the County Treasurer, as therein defined, shall be performed and exercised by the Township Treasurer of the Municipality, instead of the County Treasurer, as fully and effectually to all intents and purposes, as if the words Township Treasurer had been originally inserted in the said Sections instead of the words County Treasurer.

Section 129 as
to sale of
lands
amended.

13. That the 129 Section of the said Act be also amended by reducing the period for Sale of Lands for Taxes in arrear from five years to three years, and that the latter words three years shall be substituted in the said Section for five years—subject, however, to the like provision for extending the time of payment after the expiration of the said period of three years by by-law, as contained in the 130 Section of the said Act, with respect to the period of five years therein mentioned.

Section 147
amended.

14. That the 147 Section of the said Act be also amended by enacting that the Township Treasurer shall in all deeds given for lands sold for arrears of taxes, under the provisions of the said Municipal Institutions Act as hereby amended, insert a description of the premises sold, with sufficient certainty, according to the provisions of the said Section, and that all the lands sold to any purchaser shall, when the time has arrived for the execution of the deed of conveyance, be con-

veyed to such purchaser in and by one deed of conveyance only (in duplicate) or by several deeds (in duplicate) if the purchaser shall so desire, but not otherwise.

15. So much of the above recited Act as shall be inconsistent with the above provisions and amendments is hereby repealed.

1st Session, 1st Parliament, 31st Victoria, 1867.

BILL.

To Amend the Assessment Law.

1st Reading, January 15, 1868.
2nd " January 22, 1868.

JAS. TROW.

TORONTO:

Printed by Samuel Beatty.

An Act to amend the Municipal Institutions of Upper Canada.

WHEREAS it is expedient and necessary to amend the Act relating to the Municipal Institutions of Upper Canada, now the Province of Ontario.

Therefore, Her Majesty, by and with the consent of the Legislative Assembly of Ontario, enacts as follows :

1. That the office of Deputy Reeve shall be, and is hereby ^{Deputy Reeve} abolished.

2. That the Council of Towns, Incorporated Villages, and Townships shall be constituted as follows :

IN TOWNS.

1. The Council of every Town shall consist of the Mayor, who shall be the head thereof, and of two Councillors for every ward, and if the Town has not withdrawn from the Jurisdiction of the Council of the county in which it lies, then a Reeve shall be added, and if the Town has the names of five hundred freeholders and householders on the last revised Assessment Roll, then such Reeve shall be entitled to an additional vote at the County Council Board, and for every additional five hundred names of persons possessing the requisite qualification as voters on such Roll, the Reeve shall be entitled to an additional vote at such County Council Board.

IN INCORPORATED VILLAGES.

2. The Council of every Incorporated Village shall consist of one Reeve, who shall be the head thereof, and four Councillors and if the Village had the names of five hundred freeholders and householders on the last revised Assessment Roll, then such Reeve shall be entitled to an additional vote at the County Council Board, and for every additional five hundred names of persons possessing the requisite property qualification as voters on such Roll, the Reeve shall be entitled to an additional vote at such County Council Board.

IN TOWNSHIPS.

3. The Council of every Township shall consist of a Reeve, who shall be the head thereof, and four Councillors, and if the Township had the names of five hundred freeholders and householders on the last revised Assessment Roll, then the Reeve of such Township shall have an additional vote at the County Council Board, and for every additional five hundred names of persons possessing the requisite property qualifications as voters on such Roll, such Reeve shall have an additional vote at the said County Council Board.

2. No Reeve shall take his seat in the County Council until he has filed with the Clerk of the County Council a certificate, under the hand and Seal of the Township, Village or Town Clerk, that such Reeve was duly elected, and has made and subscribed the declaration of office and qualification (unless

exempted therefrom) as such Reeve. And it shall be the duty of the Township Clerk, and he is hereby required to file with the county Clerk, on or before the first day of January in each year, a correct and certified statement of the number of resident Freeholders and Householdors in each Municipality, on the last revised Assessment Roll, and that no alteration reducing the limits of the Municipality and the number of persons possessing the requisite property qualifications as voters, since the Rolls were last revised, has taken place.

House of Industry, &c., not imperative.

4. It shall not be imperative on any Municipality, after having acquired property for an Industrial Farm under the four hundred and thirteenth clause of the said Act, to establish thereon, within the time thereby limited, a House of Industry and a House of Refuge, but that the time for doing so shall be at the discretion of such Municipality.

Electors to be the male residents.

5. The Electors of every Municipality, for which there is an Assessment Roll, and the Electors of every police Village, shall be the male residents therein, possessing the requisite property qualification, and whether or not their taxes have been paid up before voting. But it shall be competent for any Municipality to disqualify, by by-law, any such Elector from voting until his taxes have been paid up. And no elector shall be entitled to vote in more than one ward, on any matter or occasion.

Reserve Fund

6. Where, in any Municipality, a Reserve Fund shall have been constituted for municipal purposes, it shall be incumbent on such Municipality to lay out and keep at Interest, on Government or other good and Sufficient Securities, to the satisfaction of the Council Board, all Moneys constituting or accruing from time to time, to such Reserve Fund, while the same remains undisposed of.

Repealing clause.

7. All other provisions contained in the said Municipal Institutions Act, or in any other Act inconsistent with the provisions herein contained, are hereby repealed.

Discharged 5 Feb

No. 29.]

BILL.

[1868.

An Act to amend the 31st Chapter of the Consolidated Statutes for Upper Canada entitled "An Act respecting Jurors and Juries."

WHEREAS it is expedient to amend the above Act in respect of the selection of Jurors.

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Ontario, enacts as follows :

1. That Section 23 of said recited Act shall be amended by inserting instead of the words "one twelfth, two twelfths, three twelfths, and six twelfths," the words "one twentieth, two twentieths, three twentieths, and six twentieths," and the said section, so amended, shall be read accordingly. Section 23 of U. S. Con. Statutes amended.

2. That instead of the selection of Jurors as required by the 51st and following Sections of the said Act, such second selection shall be and is hereby dispensed with, and it shall be the duty of the Sheriff or other officer to whom any writ of *Venire facias* or precept for the return of Jurors is directed, to draft the panel by ballot from the Jurors books mentioned and referred to in the 39th Section of the said Act, and he shall proceed to complete such panel accordingly, and in like manner as by the said Act is directed with respect to drafting panels of Jurors, through the Intervention of Selectors under the said 51st Section ; and the panel so drafted shall, to all intents and purposes, be as valid and effectual as any panel of Jurors would have been if made under the existing law, and all other clauses and provisions of the said Act in respect of the drafting panels of Jurors, and their obligations shall apply under this Act so far as the same can be made conformable or applicable thereto. Second Selection of Jurors dispensed with.

1st Session, 1st Parliament, 21st Victoria, 1868.

BILL.

To amend the Jury Law.

1st Reading, January 15, 1868.
2nd Reading, January 22, 1868.

JAMES TROW

1st Reading 15th Jan'y 1868
2nd " 23 " "
3rd " 17 Feb'y "

AN ACT

FOR

THE ENCOURAGEMENT OF

AGRICULTURE, HORTICULTURE,

ARTS AND MANUFACTURES.

HON. JOHN CARLING, COMMISSIONER OF AGRICULTURE.

TORONTO :
PRINTED BY SAMUEL BEATTY, 63 KING STREET EAST,

1868.

IN 1871

THE REPORT OF

AGRICULTURE

AND MINING

AN ACT FOR THE ENCOURAGEMENT
OF
AGRICULTURE, HORTICULTURE,
ARTS AND MANUFACTURES.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. The Bureau of Agriculture, the Agricultural Association, the Board of Agriculture as Council of the Association, and all Agricultural Societies heretofore recognised and existing in that part of the late Province of Canada called Upper Canada, shall continue, except so far as they may be altered or affected by this Act.

Bureau and Societies continued.

BUREAU OF AGRICULTURE AND ARTS.

2. The Bureau of Agriculture and Arts shall be attached to the Department of the Commissioner of Agriculture and Public Works, who shall be charged with the direction of the said Bureau, and shall in respect thereof be known as the Commissioner of Agriculture and Arts.

The Commissioner of Agriculture to direct Bureau.

3. The said Commissioner of Agriculture shall be *ex officio* a member of the Council of the Agricultural Association in the Province of Ontario.

Commissioner of Agriculture *ex-officio* member.

4. It shall be part of the duty of the said Commissioner of Agriculture to institute inquiries and collect useful facts and statistics relating to the Agricultural, Mechanical and Manufacturing interests of the Province, and to adopt measures for disseminating or publishing the same in such manner and form as he finds best adapted to promote improvement within the Province, and to encourage immigration from other countries; and he shall submit to Parliament, within ten days after the opening of each Session thereof, a detailed and succinct Report of his proceedings.

To collect and disseminate facts relating to Agriculture, &c.

Annual Report.

5. The said Commissioner shall, in connection with his Bureau, cause to be established a Museum illustrative of Agriculture, Horticulture, and Arts and Manufactures, and also a Library of books in the same departments of industry; and the said Museum and Library shall be free for examination or reference, during the usual office hours.

Museum and Library.

6. The Agricultural Association, all Agricultural Societies, Municipal Councils, Mechanics' Institutes, Public Institutions and Public Officers in this Province, shall promptly answer official communications from the said Bureau of Agriculture, and shall make diligent efforts to supply correct information on

Agricultural Association to answer all questions and communications.

all questions submitted to them respectively; and any officer of any such Association, Society, Council, Institute or other Public Institution, refusing or wilfully neglecting to answer any question, or to furnish any information relating to the Agricultural, Mechanical or Manufacturing interests, or the Statistics of this Province, whenever required so to do, either by the said Commissioner, or by any person duly authorized by him in that behalf, shall, for every such offence, incur a penalty of Forty Dollars, which shall be recoverable by any person suing for the same before any court of competent jurisdiction, and shall be paid to Her Majesty.

Penalty for refusing.

Commissioner may appoint persons to inspect accounts of Agricultural Societies, &c.

7. The Commissioner of Agriculture may at any time, and from time to time, appoint any person or persons to inspect the books and accounts of any Society in the Province receiving Government aid, and being in any way in connexion with the Bureau of Agriculture; and all officers of any such society, whenever required so to do, shall submit such books and accounts to such inspection, and truly, to the best of their knowledge, answer all questions put to them in relation thereto, or to the funds of such society.

THE AGRICULTURAL AND ARTS ASSOCIATION.

Who shall be members of Association.

8. The Council of the Association, the Presidents and Vice-Presidents of all lawfully organized County Agricultural Societies, and of all Horticultural Societies, and of the Mechanics' Institutes, and all subscribers of one dollar annually, shall constitute the Agricultural Association.

Life-Members.

1. The payment of ten dollars shall constitute a Life-Membership of the Association, when given for that special object, and not as a contribution to any local fund; and those persons who have heretofore been made Life-Members under By-Laws of the Association, shall continue to be Life-Members of the same.

Directors of the Association.

9. The Council and the ex-Presidents of the Agricultural Association, and the Presidents and Vice-Presidents of the County Societies, Mechanics' Institutes, Arts Associations, and of all Horticultural Societies (or any two members whom a County Society, Mechanics' Institute, Arts Association or Horticultural Society, shall have appointed to act instead of its President and Vice-President) shall be the Directors of such Agricultural Association.

Who shall compose the Council of the Association.

10. The Council of the Agricultural Association for Ontario shall be composed of twelve members, elected as hereinafter provided; and the Commissioner of Agriculture, all Professors of Agriculture in chartered Colleges and Universities, the chief Superintendent of Education, the President of the Fruit-Growers' Association and the President of the Association of Mechanics' Institutes of Ontario, or in the absence of the Presidents, then the Vice-Presidents, shall respectively be members *ex officio* of such Council of the Association.

11. The Council of the Association, so composed, shall have

full power to act for and on behalf of the Association between the annual meetings thereof; and all grants of money, subscriptions or other funds made or appropriated to or for the use of the Association (except money collected by or granted to any Local Committee for the local expenses of an Exhibition) shall be received by and expended under the direction of such Council.

Powers of the Council of the Association.

12. All contracts and all legal proceedings, by, with, or concerning the Association, shall be made and had with the Council of the Association in its corporate capacity; and no other contract, agreement, actions or proceedings, shall bind or affect the Association.

Contracts to be made with Council of Association.

13. Ontario shall be divided into twelve Agricultural Districts, designated by numbers, as in Schedule A annexed to this Act, each comprising the counties designated in said schedule.

Agricultural Districts.

14. The County Agricultural Societies in the several Districts shall, at their annual meetings provided for by section thirty-seven of this Act, each elect one person to represent it at the Council of the Association, by a majority of the votes of the members of the Society present at such meeting; and the Secretary of each Society shall, within eight days after the election, forward to the Commissioner of Agriculture the name of the person chosen by the Society.

County Societies to elect a person annually to the Agricultural Association.

Secretary to supply Commissioner.

1. The Commissioner of Agriculture shall, as soon as practicable after being notified by the Secretaries as aforesaid, officially announce the names of the persons who shall have received the majority of votes in the several districts.

Official notice of Election.

2. In case of an equality of votes for two or more persons, the Commissioner of Agriculture shall have a casting vote.

Case of equality of votes provided for.

3. Vacancies through death, resignation or otherwise, shall be filled up by the Commissioner of Agriculture.

Vacancies.

13. The first election shall take place at the Annual Meetings in the year one thousand eight hundred and sixty-nine in each of the Districts designated in Schedule A, and the persons so elected shall replace the whole of the members of the present Council of the Association, who shall still continue to exercise their present functions, until after the Commissioner of Agriculture shall publish the result of said election.

First Election.

16. The four members representing districts numbers one, two, three and four shall retire, and four other persons shall be elected, at the annual meetings in January, one thousand eight hundred and seventy: the four members representing districts numbers five, six, seven and eight shall retire, and four other persons shall be elected at the annual meetings in said districts, in January, one thousand eight hundred and seventy-one: the four members representing districts numbers nine, ten, eleven and twelve shall retire, and four other persons shall be elected at the annual meetings in said districts in the year one thousand eight hundred and seventy-two, and thereafter, in the order in which such members have been elected for the

Four members of Board to retire annually.

respective districts; and four members of the Council shall retire annually, each seat being vacated every third year; but retiring members may continue to exercise all their functions until their successors have been duly elected; the retiring members of the council shall in all cases be eligible for re-election; and the Secretary of the Association shall send a list of the names of the retiring members to the Secretary of each County or Electoral Division Society, on or before the first day of December in each year

Members to
act gratui-
tously.

17. The said Council shall not pay or allow any sum to any member thereof, for acting as such member, except the amount of his actual necessary expenses in attending the regular meetings of the Council; but the said Council may appoint a Secretary, who shall be the Secretary of the Association, and may pay him a reasonable salary for his services; and the said Council shall also pay the Auditors appointed, as provided for in Section twenty-three, a reasonable remuneration for their services.

MEETINGS AND FUNCTIONS OF THE COUNCIL AND DIRECTORS.

President, &c.,
to be elected.

18. The first Meeting of the Council of the Association, after the election of members in each and every year, shall be called by the Secretary of the Association some time during the month of February; and at such meeting the members present shall elect from amongst the elected members a President and Vice-President, and shall also elect a Treasurer of the Association from amongst themselves, or otherwise; but if not elected from amongst themselves, such Treasurer shall be *ex-officio* a member of the Council of the Association; and the said Treasurer shall furnish such security as the Council may deem necessary, and he may be paid a reasonable salary for his services.

Treasurer of
the Associa-
tion.

Secretary to
continue.

1. The present Secretary of the Board of Agriculture shall continue to be the Secretary of the Association, until otherwise provided by the Council thereof.

Chairman pro
tem.

2. And in the absence of the President or Vice-President from any meeting, the Council may appoint a Chairman *pro tempore*.

Quorum.

3. Five members of the Council shall be a quorum.

Regular meet-
ings of the
Council.

4. The regular meetings of the said Council shall be held pursuant to adjournment, or be called by the Secretary at the instance of the President or in his absence of the Vice-President, or upon the written request of any three members; and at least seven days' notice of such meeting shall be given to each member.

Duties of the
Council.

19. It shall be the duty of the Council:

Annual Exhi-
bition.

1. To hold a Fair or Exhibition, annually, open to competitors from any part of the Dominion of Canada or from other Countries, as the Directors may see fit.

Experimental
Farm.

2. To take measures, with the approbation of the Commissioner of Agriculture, to procure and set in operation a model,

illustrative or experimental, farm or farms in the Province, and in connection with any Public School, College or University, or otherwise, and to manage and conduct the same.

3. To take measures to obtain from other countries animals of new or improved breeds, new varieties of grain, seeds, vegetables or other agricultural productions, new or improved implements of husbandry, or new machinery, which may appear adapted to facilitate agricultural operations; and to test the quality, value and usefulness of such animals, grain, seeds, vegetables, or other productions, implements or machines.

Importation of improved breeds of animals.

4. And generally to adopt every means in their power to promote improvement in the agriculture of the Province.

Improvement in Agriculture.

5. The Council may establish a Veterinary School, and pass by-laws and adopt measures to allow persons desirous of practising as Veterinary Surgeons to undergo an examination, and upon proof to the satisfaction of the Council that they possess the requisite qualifications, may grant certificates of capacity to such persons to practice as Veterinary Surgeons.

Veterinary Surgeons.

20. The said Council shall keep a record of their transactions, and may from time to time publish, in such manner and form as to secure the widest circulation among the Agricultural Societies and farmers generally, all such Reports, Essays, Lectures, and other useful information as the said Board may procure and adjudge suitable for publication.

Records of their transactions, Essays, &c.

21. The said Council shall transmit to the Bureau of Agriculture, on or before the first day of July in each and every year, a report of their proceedings; and shall also send a copy of their resolutions, by-laws or other formal proceedings, immediately after the adoption thereof.

Copy of By-laws, &c.; to be sent to Bureau.

1. And no resolution, By-law, or other proceeding of the Council involving an expenditure of money to an amount exceeding forty dollars, shall be passed, except with the assent of a majority of the members thereof, or upon the recommendation of an Executive Committee, of not less than three Members, who shall be appointed in accordance with a By-law of the Association.

Expenditure of money.

22. The said Council shall continue to be a Body Corporate, and may acquire and hold land and personal property for the purposes of its incorporation, and may sell, lease or otherwise dispose of the same; and all property, real or personal, heretofore vested in or held by the Board of Agriculture and the Agricultural Association, shall, by this Act, be vested in and for the Agricultural and Arts' Association, and be held by the said Council thereof.

Council to be a body corporate.

23. The Directors shall hold a meeting during the week of the Annual Exhibition, and shall at such meeting elect two Auditors, whose duty it shall be to examine and report upon all moneys received and expended by the Treasurer of the Association, and a copy of their report shall be transmitted to

Meeting to be held during Exhibition for Election of Auditors.

Report to be
sent to County,
&c., Societies.

Commissioner of Agriculture, to the several County and Electoral Division and Horticultural Societies, Mechanics' Institutes, and the Fruit Growers' Association, by the Secretary of the Association, on or before the first day of July in the ensuing year; the Directors shall also appoint the place for holding the next meeting and Exhibition of the Association, and may make rules and regulations for the management of such Exhibition, and may appoint a Local Committee at the place where such Exhibition is appointed to be held, and prescribe the powers and duties of the said Committee.

MECHANICS' INSTITUTES.

Association of
Mechanics'
Institutes.

24. Any number of Mechanics' Institutes, by resolution of their respective Boards of Directors, (if such an Association has not been already formed,) may form themselves into an Association to be known as the "Association of Mechanics' Institutes of Ontario;" and such Association shall have power to adopt a constitution and make by-laws for the admission of Associate Institutes, and for any purposes consistent with the objects of Mechanics' Institutes, and not contrary to the provisions of this Act or the general laws of the Province; and on filing a copy of such constitution and by-laws with the Commissioner of Agriculture such Association shall become a body corporate.

Annual Meet-
ing.

1. Such Association shall hold its annual meeting at the place, and during the same time, as the Exhibition of the "Agricultural and Arts' Association" is being held, in each and every year; and a report of the proceedings of the Association shall be made to the Commissioner of Agriculture within fourteen days after the holding of such annual meeting.

Representa-
tion.

2. Each Associate Institute shall be represented at the Annual Meeting by its President and Vice-President, or any two other office-bearers that such Institute may appoint in place of its President and Vice-President.

Grants to In-
stitutes for
class instruc-
tion.

25. Any Mechanics' Institute incorporated under chapter seventy-two of the Consolidated Statutes of Canada, or by Special Act of incorporation, having evening classes organized for the imparting of practical instruction to its pupils, or having established a library of books on mechanics, engineering, or chemical or other manufactures, shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of the Province, for the purpose of aiding in such class instruction or technical library, or both, a sum not to exceed two hundred dollars in any one year; Provided the sum so paid shall not be greater than the sum locally contributed, or appropriated by such Institute, for such specific object or objects; and Provided, also, that the amount of such local contribution or appropriation shall be attested by an affidavit made by the Secretary of such Institute as may apply for aid (which affidavit may be in force of Schedule D to this Act annexed).

Reports to
Commissioner
of Agriculture.

1. Each Institute so receiving aid, shall contribute and pay over to the Treasurer of the Association of Mechanics' Institutes of Ontario five per cent. thereof; and such Institute

shall also cause to be forwarded to the Commissioner of Agriculture a properly certified copy of its Annual Report, for the year in which such aid has been granted.

HORTICULTURAL SOCIETIES.

26. Any number of persons, not less than fifty, in any city or town of not less than two thousand inhabitants, and not being in itself constituted an Electoral Division, and whether such city or town is, or is not, separated from the county for municipal or other purposes, may organize and form themselves into a Horticultural Society, by signing a declaration in the form of Schedule B, to this Act annexed (but with necessary alterations as to the name of the Society), and paying each not less than one dollar to the funds of the society for that year; and all persons thereafter paying each the sum of one dollar annually to the funds of the society, shall be members thereof; and such societies shall have all the rights and privileges, and be subject to the same obligations as Township Agricultural Societies, in reporting to, and participating in the grants to the County or Electoral Division Societies in the Electoral Divisions in which they may respectively be situated.

How and where to be formed.

Declaration.

27. Such declaration shall be in duplicate, and one part thereof shall be written and signed on the first page or pages of a book, to be kept by the Society, for recording the minutes of its proceedings during the first year of its existence, and the other part thereof shall be written and signed, on a sheet of paper or parchment, and shall forthwith be sent by post to the Commissioner of Agriculture, who shall, as soon as may be after the receipt thereof, cause a notice of the formation of such Society to be inserted in the official *Gazette* for the Province.

Copy of Declaration to Minister of Agriculture.

Official notice of formation.

28. Upon the insertion in the official *Gazette* of the notice of the formation of any such Society it shall become a Corporation for the object and purposes hereinafter mentioned, by the name applied to it in such notice, which shall be the same as that in the declaration transmitted by such Society, and may acquire and hold, lease, mortgage and alienate property, real and personal, for the purposes of such Society.

Society to be a Corporation.

29. Every Horticultural Society incorporated under this Act may make By-laws, not being contrary to the laws of this Province, or to this Act, prescribing the mode of admission of new Members and election of Officers, and otherwise regulating the administration of its affairs and property.

Power to make By-Laws, &c.

30. Every such Society shall hold its annual meeting in the second week of the month of January, in each year, besides meetings at such other times as may be prescribed or provided for by its By-laws; and at such annual meeting a President, Vice-President, a Secretary and a Treasurer, or Secretary-Treasurer, and not fewer than three, nor more than nine Directors, shall be elected.

Meetings of the Society.

Election of officers.

31. The said Officers and Directors shall prepare and present to the annual meeting of the Society a Report of their

Annual Report.

proceedings during the year, in the same manner as herein directed for County or Electoral Division Agricultural Societies, and containing information under the same heads, save and except those which relate to Agriculture—the object and purpose of Horticultural Societies being the same as those of Agricultural as hereinafter mentioned, but with reference to Horticulture only; and the said Society shall transmit a copy thereof to the Secretary of the County Society, properly certified, in time for the annual meeting thereof, in the month of January.

THE FRUIT GROWERS' ASSOCIATION.

How to be formed.

32. Any number of persons, not less than twenty-five, may organize and form themselves into a Society, to be known as "The Fruit Growers' Association of Ontario," by signing a declaration and taking such other proceedings as are prescribed in sections twenty-six, twenty-seven, and twenty-eight of this Act, in relation to Horticultural Societies; and upon notice thereof being inserted in the official *Gazette*, such Society shall be, and become, a body corporate, and may make laws and regulations for its guidance and proper management, so long as the same shall not be contrary to the provisions of this Act, or the general laws of the Province.

Declaration.

Grant not to exceed \$350.

1. And such Society shall be entitled to receive from unappropriated Monies in the hands of the Treasurer of the Province, a sum not to exceed Three Hundred and Fifty Dollars, in any one year, and on the same conditions provided in the case of County or Electoral Division Agricultural Societies, in the forty-sixth section of this Act.

Annual Meeting.

33. The said Society shall hold an annual meeting at the place, and during the same time as the Exhibition of the Agricultural and Arts Association is being held, in each and every year; and shall, at such meeting, present a full report of its proceedings, and detailed statement of its receipts and expenditure for the previous year, and shall, at such meeting, elect a President, Vice-President, Secretary and Treasurer, (or a Secretary-Treasurer,) and not fewer than five, nor more than nine Directors, and they shall also elect two auditors.

Election of officers.

Report to Commissioner.

1. A copy of the Annual Report of its proceedings, and a list of the office-bearers elected, and also such information as the Society may have been able to obtain on the subject of Fruit culture in the Province, shall be sent to the Commissioner of Agriculture within fourteen days after the holding of such annual meeting.

AGRICULTURAL SOCIETIES—COUNTY OR ELECTORAL DIVISION SOCIETIES.

Society may be organized in each Electoral Division.

34. An Agricultural Society may be organized in each of the Electoral Divisions of Ontario, as now constituted for the purpose of representation in Parliament, (in which there was not one at the time of the passing of this Act) whenever fifty persons have become members thereof, by signing a declaration in the form of the Schedule B to this Act annexed, and paying

each not less than One Dollar to the funds of the said Society for that year; and all persons thereafter paying each the sum of One Dollar annually to the funds of the Society, shall be members thereof; and a true copy of the said declaration shall within one month after the money has been so paid, be transmitted to the Commissioner of Agriculture, except that the two Electoral Divisions of the City of Toronto shall only constitute one Division for the purposes of this Act.

Object of such Societies.

35. The object of the said Societies, and of the Township Societies in connection therewith, shall be to encourage improvement in Agriculture, Horticulture, or Arts and Manufactures.

Discussion, &c.

1. By holding meetings for discussion, and for hearing Lectures on subjects connected with the theory and practice of improved husbandry or other industrial processes.

Meetings.

2. By promoting the circulation of Agricultural, Horticultural and Mechanical periodicals.

Agricultural periodicals.

3. By importing, or otherwise procuring, Seeds, Plants and Animals of new and valuable kinds.

Seeds, Plants, &c.

4. By offering Prizes for Essays on questions of scientific enquiry relating to Agriculture or Horticulture, Manufactures and works of Art.

Prizes for Essays.

5. And by awarding Premiums for excellence in the raising or introduction of Stock, the invention or improvement of Agricultural or Horticultural Implements and Machinery, the production of Grain and of all kinds of Vegetables, Plants, Flowers and Fruits, and generally for excellence in any Agricultural or Horticultural production or operation, article of manufacture or work of Art.

Premiums.

6. The funds of the Societies, derived from subscription of members or the public grants, shall not be expended for any object inconsistent with those above mentioned.

Application of Funds.

7. And the Directors of every such County or Electoral Division Society, at any meeting called by written notice, as hereinafter mentioned, and in which notice the object of the meeting has been specified, may make, alter and repeal By-laws and Rules for the regulation of such Society and the carrying out of its objects

Directors make By-Laws, &c.

36. The first meeting for the formation of a County or Electoral Division Agricultural Society under this Act, shall be called by the Representative of such Electoral Division in the Legislature of Ontario, in the third week of January in each year, at which meeting the election of the various officers shall take place, and the Society so organized shall be deemed the County or Electoral Division Society, and shall be entitled to receive the Government grant hereinafter provided; and all subsequent annual meetings after the first meeting shall be called and held as provided in the next following section of this Act.

First Meeting, how called.

First Meeting
for 1883.

1. It shall be lawful for the Representative of any Electoral Division in the Legislature of Ontario, in which a Society has not already been organized in accordance with this section, to call a meeting and organize a society at any time prior to the first day of May, one thousand eight hundred and sixty-eight; and such meeting shall be held at or near where the nomination of candidates at the last general election was held in such Electoral Division.

Annual Meetings.

37. The said Societies shall hold their annual meetings in the third week, that is to say, between the fifteenth and twenty-first days of January in each year, and shall at such meeting elect a President, two Vice Presidents, a Secretary and Treasurer, (or a Secretary-Treasurer), and not more than nine other Directors, who shall constitute the officers of the Society and shall also elect two Auditors.

Election of
Officers.

Return of
Office-bearers.

1. The Secretary of each Electoral Division Society shall, with the return of persons nominated to the Council of the Association, as provided for in section fourteen of this Act, also return a full list of the several office-bearers elected at the annual meeting of such societies.

Meetings, &c.

38. The Meetings of the Officers and Directors shall be held pursuant to adjournment, or be called by written notice given by authority of the President, or in his absence the Senior Vice President, at least one week before the day appointed; and at any meeting five shall be a quorum.

Annual Report
of proceedings.

39. The said Officers and Directors shall, in addition to the ordinary duties of management, cause to be prepared, and shall present at the annual meeting, a report of their proceedings during the year, in which shall be stated the names of all the Members of the Society, the amount paid by each being set opposite to his name, the amount awarded in Prizes to each kind of Live Stock, Agricultural Products, Implements, Domestic Products or other objects, respectively, together with such remarks and suggestions upon the Agriculture and Horticulture of the County, and Arts and Manufactures therein, as the Directors are enabled to offer.

And what it
shall contain.

Annual accounts.

1. There shall also be presented to the said annual meeting a detailed statement of the receipts and disbursements of the Society during the year, in which shall also be shown the expenses of management under separate and distinct heads.

Entry of Report.

2. The said Report and statement, if approved by the meeting, shall be entered in the Society's Journal, to be kept for such purposes, and signed by the President, or a Vice-President, as being a correct entry; and a true copy thereof, certified by the President or Secretary, for the time being, shall be sent to the Bureau of Agriculture, on or before the first day of March next following.

Copy to Bureau
of Agriculture.

County Society
to receive Report
from
Townships, &c.

40. The County or Electoral Division Society shall receive the Reports of the Township Societies, and of the Horticultural Societies organized under section twenty-six of this Act; and

all transmit them to the Bureau of Agriculture, with such remarks thereon as will enable the Commissioner to obtain a correct knowledge of the progress of Agricultural Improvements in the County or Electoral Division.

41. The said Officers and Directors shall answer such queries and give such information as the Commissioner of Agriculture may from time to time, by circular, letter or otherwise, require, touching the interests or condition of Agriculture in their County or Electoral Division, and generally shall act as recommended as practicable upon the recommendations of the said Commissioner.

Officers to give information to Bureau of Agriculture.

TOWNSHIP SOCIETIES.

42. A Township Agricultural Society may be organized in any Township in Ontario, in which there was not one already organized at the date of the passing of this Act, or in any two or more such townships together, wherever a sufficient number of persons, not less than fifty, become members by signing a declaration in the form of Schedule B, to this act annexed, and paying each not less than one dollar to the funds of the Society for that year; and all persons thereafter paying each the sum of one dollar annually to the funds of the Society shall be members thereof; and a true copy of the said declaration, certified by the President or Vice-President of such Society, shall be forthwith transmitted to the County Society.

Where and how Township Societies organized.

Declaration.

43. Each Township Society shall be legally known and designated by the name of the Township or Union of Townships in which it is situated, and there shall not be more than one such Society in any Township.

Name of Society.

44. In cases where part of a Township is in one Electoral Division and part in another, the Township Society shall transmit a copy of its Annual Report to the Secretary of each such Electoral Division Society, as provided for in Section twenty-four; and such Township Society shall also return to the respective Treasurers of the said Electoral Division Societies a copy of the subscriptions of its members, attested as in other cases provided for by section forty-eight of this Act; and based on such returns shall receive from each of such Electoral Division Societies its share of all Legislative and other public grants, but in proportion of fifty per cent only of such returns, as compared with the returns of other Townships in the respective Electoral Divisions.

Proviso for Division of Townships.

45. The said Societies shall hold their Annual Meetings in the second week, that is to say on some day between the seventh and fourteenth day, inclusive, of the month of January in each year, and shall elect a President, Vice-President, Secretary and Treasurer, (or Secretary-Treasurer,) and not fewer than three nor more than nine other Directors, and shall also elect two Auditors.

Annual Meeting to be held and when.

Election of officers.

46. The said Officers and Directors shall prepare and present to the Annual Meeting of the Society, a report of their proceedings during the year, in the same manner as hereinbefore directed for County Societies, and containing informa-

Report at annual meeting.

tion under the same heading, and shall transmit a true copy thereof, certified by the President or Vice President, to the Secretary of the County Society, in time for the Annual Meeting thereof in the month of January.

GENERAL PROVISIONS RELATIVE TO AGRICULTURAL AND OTHER SOCIETIES.

Where Exhibition of County Society held.

45. The exhibition of the County Society shall be held wherever the majority of the Directors, or of a quorum thereof think fit, giving due and public notice thereof, within the limits of the said County or Electoral Division, or of any adjoining County or Township, with the Society of which they may unite their funds as hereinafter mentioned.

Union of County and Township Societies.

1. Any two or more County and Township Societies may, by agreement between the Directors thereof, or a majority of Directors of each such Society, unite their funds, or any portion thereof, for the erection of suitable Buildings in which exhibit Articles of Produce or Manufacture, or Works of Art, and for annual or extra Shows, or for Ploughing Matches, for any other purpose likely to promote the welfare of any one or more Counties or Townships, in Agriculture, Horticulture, Arts or Manufactures, and may acquire by purchase or lease and hold sufficient land for this purpose from time to time, and may exchange and sell the same.

Merging of Township with County Society.

2. No Separate Township Show shall be held in the Township in which the County Fall Show shall be held in any year, but the funds of the Township Society in such case may be merged with those of the County Society for that year, and, if so merged, the members of such Township Society, shall be entitled to all the privileges of members of the County Society at the Show; and the Directors of such Township Society shall be Co-Directors with the Directors of the County Society, for the conducting and management of such Show.

Allowance to County Societies and conditions thereof.

46. A County Society having previously forwarded to the Commissioner of Agriculture a copy of its Report and statements for the year then last past, as required by this Act, and transmitting to the Commissioner of Agriculture an affidavit on or before the first day of July in each year, (which may be in the form of Schedule C, to this Act annexed, and may be sworn to before any Justice of the Peace,) stating the amount subscribed for that year, and paid to the Treasurer of the County Society by the members thereof, together with the amounts returned to the said Treasurer of the County Society by the several Township and Horticultural Societies of the County, as provided in section forty-eight of this Act, shall be entitled to receive a sum, to be paid out of any unappropriated moneys in the hands of the Treasurer of the Province equal to three times the amount certified by the said affidavit of the Treasurer of such County Society.

proviso.

1. But no Grant shall be made unless one hundred dollars be first subscribed and paid to the Treasurer of the County Society, and to the Treasurers of the Township Societies within its limits.

2. And the whole amount to any Electoral Division Society shall not exceed seven hundred dollars in any year. Grant not to exceed \$700.

47. The City of Toronto shall be entitled to receive a sum not exceeding Five Hundred and Fifty Dollars in any year, and the following Electoral Divisions, viz., the City of Kingston, the City of Hamilton, the Town of Brockville, the Town of Niagara, the Town of Cornwall, the City of London, and the City of Ottawa, as bounded for purposes of representation in the Legislative Assembly, shall each be entitled to receive a sum not exceeding Three Hundred and Fifty Dollars for the encouragement of Agriculture, Horticulture, Manufactures and Works of Art within their respective limits ; City of Toronto to have \$550.

1. Provided that a sum equal to one-third of the amount to be so paid by the Government is subscribed and paid to the Treasurer of a Society to be formed within such Electoral Division, except in the case of the City of Toronto where two-thirds must be subscribed, in the same manner as County Agricultural Societies under section forty-six of this Act, and to be called "The Society for the Electoral Division of ———," as the case may be. Proviso.

48. Every Township Society organized at the time of the passing of this Act, and every Township or Horticultural Society hereafter organized under the provisions of of this Act, and sending a report of its proceedings to the County Society, as hereinbefore required, shall be entitled to a share of the grant to the County Society, in proportion to the amount subscribed and paid by the members of such Township Society, and a list thereof, stating the amount paid by each member, shall be returned to the Treasurer of the County Society, attested by an affidavit made by the Treasurer of such Township Society, in like manner as provided in the case of the Treasurers of County Societies, section forty-six of this Act, (which affidavit may be in form of Schedule E to this Act annexed,) on or before the first day of June in each year, and the Treasurer of the County Society shall pay over to any Township or Horticultural Society its share of the public grant, which shall be in proportion to the amount it has subscribed, as compared with the amounts subscribed by the other Township Societies of the County, as soon as the said grant is received by the County Society. Allowance to Township Societies from County Grant and conditions thereof.

1. Provided that three-fifths, and no more, of the sum so received by any County Society shall be subject to division among Township and Horticultural Societies ; and provided that the declaration mentioned in section forty-two of this Act shall be deemed a sufficient report in the first year in which any Township Society has been organized, and that no Township or Horticultural Society shall thus receive more than three times the amount so deposited by it as aforesaid, nor more than one-fifth of the entire grant to the Electoral Division Society. Affidavit of Township Treasurer.

2. And provided that nothing in this Act contained shall be construed as admitting any member of a Township Society, in virtue of his subscription thereto, and without further subscrip- Only three-fifths to be divided.

2. And provided that nothing in this Act contained shall be construed as admitting any member of a Township Society, in virtue of his subscription thereto, and without further subscrip- Proviso as to Membership.

tion to the County Society, to any of the privileges of a member of such County Society, except when the County Show shall be held within the limits of a Township, as mentioned in section forty-five, sub-section two, of this Act.

Rights of voting.

3. All persons who shall have paid the membership subscription for the year then next ensuing, to any society organized under this act, and prior to the first of January of such ensuing year, shall have the right of voting at the election of such office bearers, and on all other questions submitted to the annual meetings of such societies, which shall apply solely to the business of such ensuing year; and all persons whose names are recorded on the books of any such society as legal members thereof under this Act, shall have the right of voting on all other questions submitted to such annual meetings.

Vacancies.

4. In the event of the Secretary or Treasurer of any Agricultural or other Society dying or resigning office during the time for which he has been elected, it shall be the duty of the Directors, and they are hereby empowered, to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning as aforesaid.

Commissioner of Agriculture to pay Grants.

49. The Lieutenant-Governor shall issue his warrant in favor of the Agricultural and other societies entitled to grants under this Act, to the amount of the whole appropriation required, as certified by the Commissioner of Agriculture; and the said Commissioner of Agriculture shall cause to be paid over to the County Societies, the public grants to which they are respectively entitled.

Penalty for false affidavit, &c.

50. Any Treasurer or other officer of any County or Township Society, who makes affidavit that a subscription, or any sum of money, has been paid to him for the Society, when it has not been so paid, or who returns any such subscription, shall forfeit and pay to Her Majesty the sum of Forty Dollars for every such offence, and shall be guilty of perjury, and be held liable to all the penalties with which the law visits that crime.

County Societies to be bodies corporate.

51. The several County Societies organized at the time of the passing of this Act, shall be and continue bodies corporate, with power to acquire and hold land as a site for Fairs and Exhibitions, or for a School Farm, and to sell, lease, or otherwise dispose of the same; and any Township Society lawfully organized as aforesaid, may at any regular meeting adopt a resolution that the said Society is desirous of being incorporated, and upon filing the said resolution with the Secretary of the Bureau of Agriculture, such Society shall thenceforth be and become a body corporate, and shall have like powers with County Societies.

Society may purchase land and conditions.

52. Any County or Township Society, or the Municipal Council of any County or Township in Ontario, may purchase and hold land for the purpose of establishing a School Farm to instruct pupils in the science and practice of Agriculture; and any Society and any Municipal Council may purchase and hold

such School Farm, conjointly or otherwise, and may, conjointly or otherwise, make all necessary rules and regulations for the management thereof; Provided that not more than two hundred acres of land shall be so held by any Society or Council, whether conjointly or otherwise.

53. In any County, or Riding of a County, divided into two or more Electoral Divisions by the Act of Confederation, it shall be necessary to organize a new Agricultural Society for each; and any property that may have been held by the Agricultural Society representing the County or Riding prior to such division, or the value thereof, shall be equitably apportioned or divided by three arbitrators or a majority of them, one to be appointed by the Directors of the Society in each such Electoral Division, and another arbitrator to be chosen by the arbitrators so appointed; and in cases where new Ridings or Electoral Divisions have been formed for the purpose of representation in Parliament, by townships taken from two or more Counties or Electoral Divisions, then any property, real or personal, which originally belonged to such County or Electoral Division Societies before the said townships were taken therefrom, shall continue to belong to the societies of such original Counties or Electoral Divisions.

Proviso in the event of Property being in one or more Electoral Divisions.

54. The words "Commissioner," or "Commissioner of Agriculture," means the "Commissioner of Agriculture and Arts"; the words "Bureau of Agriculture," means the "Bureau of Agriculture and Arts"; the words "Council" or "Council of the Association," means "Council of the Agricultural and Arts Association"; the word "County" in the sections of the Act applying to Agricultural Societies, means "Electoral Division," except where such construction is inconsistent with the express enactment in which such word is used; and the words "Electoral Division," whenever used herein, means a Division for purposes of representation in the Legislative Assembly of the Province of Ontario; and the counties named in Schedule A of this Act, mean all the Electoral Divisions embraced within such counties.

Interpretation Clause.

1. And the provisions of the said sections with regard to grants and Electoral Divisions, conditions of grants, &c., &c., shall extend to any new Counties or new Electoral Divisions to be hereafter formed in Ontario.

Act to apply to Counties, &c., to be hereafter formed.

MUNICIPAL AID TO AGRICULTURAL AND OTHER SOCIETIES.

55. The Municipality of any City, Town, Village, County or Township in this Province, may grant money or land in aid of the Agricultural Association, or of any Agricultural or Horticultural Societies whatever duly organized under this Act, or of any incorporated Mechanics' Institute within the limits of the Municipality.

Municipalities may grant land or money in aid of purposes of this Act.

56. Any Justice of the Peace for any City, Town, Village or Township, wherein a Fair or Exhibition may be held, shall, on the request of the Council of the Association, or the Directors or Executive Committee of any Agricultural or Horticultural

Any Justice of the Peace may appoint Police men, &c.

tural Society, appoint as many Policemen or Constables as may be required, at the expense of the said Association or Society said Policemen or Constables to be named by such Association or Society, whose duty it shall be to protect the property of the said Association or Society within the Exhibition grounds, to eject all persons who shall be improperly within the grounds, or who shall behave in a disorderly manner, or otherwise violate any of the Rules or regulations of the said Society.

Penalty for infringing, &c., the property.

57. If any person shall wilfully injure or destroy any property within the Exhibition grounds of the Association; or of any Agricultural or Horticultural Society, or shall hinder or obstruct the officers or servants of the said Association or Society, or any Policeman or Constable duly appointed as aforesaid, in the execution of his duty, or shall gain admission to the said grounds contrary to the rules of the said Association or Society, he shall be liable to a fine of not less than One, nor more than Twenty Dollars; said fine to be enforced and collected as fines are usually collected, and to be paid over to the said Association or Society for its use and benefit; and in default of payment the said offender shall be imprisoned in the Common Gaol for a period of not more than Thirty Days.

Penalty.

Gambling, &c., to be prevented.

58. The officers of any such Association or Society may by their Rules and Regulations prohibit and prevent all kinds of gambling, theatrical, circus or mountebank performances, exhibitions or shows, as also regulate or prevent the huckstering or trafficking in spirituous or intoxicating drinks, fruits, goods, wares or merchandize within three hundred yards from the Exhibition Ground, and any person who neglects after due notice of such rules and regulations, violate the same shall be liable to be removed by the Officers, Policemen or Constables of said Association or Society and be subject to the penalty prescribed by the next preceding section.

Penalty.

SCHEDULE A.

1. Stormont, Dundas, Glengary Prescott, and Cornwall.
2. Lanark, Renfrew, City of Ottawa, Carleton, and Russell.
3. Frontenac, City of Kingston, Leeds, Grenville, and Brockville.
4. Hastings, Prince Edward, Lennox, and Addington.
5. Durham, Northumberland, Peterboro', and Victoria.
6. York, Ontario, Peel, Cardwell, and City of Toronto.
7. Wellington, Waterloo, Wentworth, Halton, and City of Hamilton.
8. Lincoln, Welland, Haldimand, Monck, and Niagara.

9. Elgin, Brant, Oxford, and Norfolk.
10. Huron, Bruce, Grey, Algoma, and Simcoe.
11. Perth, Middlesex, and City of London.
12. Essex, Kent, Bothwell, and Lambton.

SCHEDULE B.

We, whose names are subscribed hereto, agree to form ourselves into a Society, under the provisions of the "Act respecting the Bureau of Agriculture and Agricultural Societies," to be called the (County Electoral Division, or Township, as the case may be) Agricultural (or Horticultural) Society of the County (or Electoral Division) of _____ or (Township of _____); and we hereby severally agree to pay to the Treasurer yearly, while we continue members of the Society (any member being at liberty to retire therefrom upon giving notice in writing to the Secretary, at any time before the annual meeting, of his wish so to do) the sums opposite our respective names; and we further agree to conform to the Rules and By-Laws of the said Society.

NAMES.	\$	CTS.

SCHEDULE C.

COUNTY OF _____
TO WIT : }

I, A. B., of the (Township) of _____ Treasurer of the
County Agricultural Society of _____ make oath and say
that the sum of _____ has been reported to me by the
Treasurers of the Township Agricultural Societies of the said
County, under oath, as provided for in section forty-eight of the
Act relating thereto, as and for the members' subscriptions for
this year; and that the sum of _____ has been paid into my
hands, as subscriptions for this year, by members of the said
County Society; and that the said sums amount in the whole
to the sum of _____; and that the amounts received as
subscriptions to the County Society now remain in my hands,
or have already been disposed of according to law.

Sworn before me this _____ day of _____ A. D. 186 _____ C. D. _____ } A. B.

Justice of the Peace for the County of _____

SCHEDULE D.

COUNTY OF }
TO WIT :

I, A. B., of , Secretary of the
Mechanics' Institute, make oath and say that the sum
of has been contributed or appropriated for
the special object of Evening Class instruction in said Institute,
(or for the purchase of technical works for its Library, for the
current year, as provided for, and on the conditions named, in
section twenty-five of the Act relating thereto.)

Sworn before me this }
day of A. D. 186 } A. B.
C. D.

Justice of the Peace for the County of

SCHEDULE E.

COUNTY OF }
TO WIT :

I, A. B. of the Township of , Treasurer of
the Agricultural Society for the Township of ,
make oath and say that the sum of has been paid
into my hands as and for the members' subscriptions for this
year, in accordance with the list herewith returned to the
Treasurer of the County Society ; and that the said sum now
is in my hands, or has already been disposed of according to
law.

Sworn before me this }
day of A. D. 186 } A. B.
C. D.

Justice of the Peace for the County of

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An Act to separate the Townships of Harcourt and Bruton from the Municipality of the United Townships of Burleigh, Anstruther, Chândos, Cardiff, Harcourt and Bruton. and to unite them with the United Townships of Dysart, Guilford, Dudley and Harburn, with provisions to unite the Townships of Havelock, Eyre and Clyde with the last mentioned United Townships.

WHEREAS the Canadian Land and Emigration Company, limited, and certain of the inhabitants of the Townships of Harcourt, Bruton, Dysart, Guilford, Dudley and Harburn, have, by their petition, represented that it would tend to promote the advancement and settlement of the said Townships, that an Act should be passed to contain the provisions herein-after mentioned

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. That, from and after the passing of this Act, the said Townships of Harcourt and Bruton shall be separated from the United Townships of Burleigh, Anstruther, Chandos, Cardiff, Harcourt and Bruton, and shall be, and become united with the said Townships of Dysart, Guilford, Dudley and Harburn, and together with the last mentioned Townships, shall form one Municipal Corporation, subject to the laws now in force, with respect to any such United Corporation.

2. Whenever the said Townships of Havelock, Eyre, and Clyde shall be attached to and incorporated within the said County of Peterborough, the said Townships shall *ipso facto* become united with the last mentioned Municipal Corporation, and shall together with the united Townships composing such Corporation, form one Municipal Corporation, subject to the laws now in force, with respect to any such united Corporation.

3. This Act shall be a Public Act.

PRIVATE BILL.

An Act to separate the Townships of Harcourt and Burton from the Municipality of Burleigh, &c., and to unite them with the United Townships of Dysart, &c.

First Reading January 16, 1868.

Second Reading January 1868.

Mr. GEORGE READ.

TORONTO:

Printed by Samuel Beatty.

No. 32.]

BILL.

[1868.

An Act to repeal Chapter twenty of the Consolidated Statutes of the late Province of Canada, Entitled "*An Act respecting the Provincial Duty on Tavern Keepers*," and to make further provisions respecting the same.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. Chapter twenty of the Consolidated Statutes of the late Province of Canada, entitled an Act respecting the Provincial Duty on Tavern Keepers, is hereby repealed.

C. 20 Con.
Statutes of
Canada re-
pealed.

2 There shall be paid to Her Majesty, over and above all other duties and sums payable thereon on each License, to be hereafter issued, to sell spirituous liquors to be drunk upon the premises, in any Hotel, Tavern, House, Vessel or Place, a duty of twelve dollars, if such place be within the Municipal limits of any City ; a duty of ten dollars if the same be within the Municipal limits of any Incorporated Town, and a duty of five dollars if the same be not within the limits of any such City or Town, or the License be for a Vessel.

Duties pay-
able.

3. With a view of better collecting the said duty, the Lieutenant-Governor in Council may direct the issue of Stamped Paper, on which shall be written or printed, as he may direct Licenses of the several values, as described in the second section, and that no Tavern License which shall not be so Stamped, and signed by the Treasurer of this Province, shall be of any effect, but the party holding an unstamped License shall be held to be unlicensed, and be liable to all penalties imposed by any Act or by any By-Law on persons selling spirituous liquors without license.

To be collect-
ed by issue of
stamped
paper.

4. One or more persons, in every County and City in this Province, may be appointed to deliver and distribute such Licenses to any Municipal Corporation, applying for the same—for which service he shall be allowed, on each license, ten per cent. on the amount thereof, and he shall counter-sign every License issued by him.

Distributors
to be appoint-
ed.

5. The sums received for such Duties, shall form part of the Consolidated Revenue Fund of this Province.

Duties to form
part of the
Con. Rev.
Fund.

6. If any person forges, counterfeits, or imitates, or procures to be forged, counterfeited, or imitated any Stamp or Stamped Paper, issued or authorised to be issued for the purposes of this Act, or knowingly uses, offers, sells, or exposes to sale, any such forged, counterfeited, or imitated stamp or stamped paper, or engraves, cuts, sinks, or makes any plate, die, or other thing whereby to forge, counterfeit, or imitate such stamp or stamped paper, or any part thereof, or uses or has possession of any plate, die, or other thing lawfully engraved, cut or made for the purposes of this Act except by permission of

Forgery of
stamped
paper.

Felony.

the Treasurer of this Province, or of some officer or person who, under an order in Council in that behalf may lawfully grant such permission, or tears off or removes from any instrument on which a duty is payable under this Act, any stamp by which such duty has been wholly or in part paid, or removes from any such stamp or stamped paper any writing or mark indicating that it has been used for or towards the payment of any such duty, such person shall be guilty of felony, and shall on conviction be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding twenty-one year; and every such offence shall be forging within the meaning and purview of Chapter ninety-four of the Consolidated Statutes of the late Province of Canada, entitled "An Act respecting forgery," and all the provisions of that Act shall apply to every such offence, and to principals in the second degree, and accessories, as if such offence was expressly mentioned in the said Act.

BILL.

An Act to repeal Chapter twenty of the Consolidated Statutes of the late Province of Canada, entitled "An Act respecting the Provincial Duty on Tavern Keepers," and to make further provision respecting the same.

First Reading, January 15, 1868.
Second Reading, January , 1868.

Hon. Atty.-Gen. MACDONALD.

An Act to establish a Consolidated Revenue Fund for the Province of Ontario.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. All duties, revenues and moneys, whatsoever, of the Province of Ontario, over which the Legislature of this Province has, or hereafter may have, the power of appropriation, shall form one Consolidated Revenue Fund, to be called the Consolidated Revenue Fund of Ontario, to be appropriated for the public service of this Province, in the manner and subject to the charges hereinafter mentioned. Consolidated Revenue Fund established.

2. The said Consolidated Revenue Fund shall be permanently charged with all the costs, charges and expenses incident to the collection, management and receipt thereof; such costs, charges and expenses being subject nevertheless to be reviewed and audited in the manner directed by any Act of the Legislature. Permanent charges thereon.

3. The Legislative Assembly shall not originate or pass any Vote, Resolution or Bill, for the appropriation of any part of the said Consolidated Revenue Fund, or of any other Tax or Impost, to any person which has not been first recommended by a message of the Lieutenant-Governor to the said Legislative Assembly during the Session in which such Vote, Resolution or Bill is passed. Appropriation by Message of Lieutenant-Governor.

4. The Lieutenant-Governor in Council may from time to time, in his discretion, invest any surplus of the said Consolidated Revenue Fund not required for the public service in the Debentures or other public securities of the Dominion of Canada. Investment of surplus.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to Establish a Consolidated
Revenue Fund for the Province of
Ontario.

1st Reading, January 16th, 1868.

2nd Reading, January, 21st, 1868.

Hon. Attorney-General Macdonald.

TORONTO:

Printed by Samuel Beatty.

2
2/
as consolidated with Bill 61

No. 34.]

BILL.

[1868.

An Act to amend the Common Law Procedure Act of
Upper Canada.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of Ontario, enacts as follows :

Whereas it is expedient to amend the Common Law Procedure Act, by adding to Clause Three Hundred and Twenty-four, of Chapter Twenty-two, of the Consolidated Statutes of Upper Canada, the following proviso : that is to say, provided that in an action of trespass or case where a Plaintiff shall recover a verdict for a less sum than eight dollars, and the Judge shall not certify "That the action was brought to try a right, besides the right to recover damages, or that the trespass or grievance in respect of which the action was brought, was wilful and malicious," the Defendant shall be allowed to set off his costs against such verdict, and recover judgment and execution against the Plaintiff for the balance of such costs, to be taxed as between Attorney and Client.

In actions of trespass, etc., where verdict less than ~~ten~~ Eight dollars and the Judge does not certify, defendant to recover costs.

[No. 34.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to amend the Common Law
Procedure Act of Upper Canada.

1st Reading, January 20, 1868.
2nd " January 22, 1868.

JNO. COYNE.

TORONTO :
PRINTED BY SAMUEL BEATTY.

An Act to amend chapter sixty-one of the twenty-fourth Victoria, entitled, "An act to consolidate the debt of the Town of Peterborough, and to authorize the issue of debentures on the security of Town property, and for other purposes."

WHEREAS the Council of the Corporation of the Town of Peterborough have by petition asked authority to issue five thousand dollars of debentures in addition to the amount authorized to be issued by the said, in part recited Act for the purpose of aiding the construction of bridges over Chemong Lake and Pigeon Creek, in the County of Peterborough, and it being desirable to grant the prayer of the said petition, Preamble.

Therefore, in amendment of the said in part recited Act, Her Majesty by and with the advice and consent of the Legislative Assembly of Ontario enacts as follows:

1. In addition to the sum of one hundred and twenty thousand dollars for which debentures may be issued under the said, in part recited Act, debentures may be further issued to the extent of five thousand dollars in the same manner as in the said in part recited Act is mentioned, and which said debentures shall be subject to all the provisions therein contained, in reference to the said sum of one hundred and twenty thousand dollars provided that the said Council of the Town of Peterborough may issue debentures under this Act until such time as a resolution is passed for such issue of debentures shall have been passed by the said Council having previously received the approval of the rate-payers of the said Town, in the manner provided for the creation of debts under the Upper Canada, (Ontario,) Municipal Act. Authority to issue debentures to the extent of \$5,000 in addition to existing debt.
Proviso Debentures not to issue until a By-Law passed.

An Act to amend Chap 61, of the
24th Vict., entitled, "An Act to
consolidate the debts of the
Town of Peterborough."

PRIVATE BILL.

First Reading January 21, 1868.
Second Reading January 1868.

J. H. CARNEGIE.

An Act to enable the Trustees of St. Andrew's Church, in the Town of Chatham, to sell lands, held by them, for the use of the congregation and for other purposes.

WHEREAS it hath been made to appear by the petition of the Reverend John Rannie and others, trustees and members of the congregation of St. Andrew's Church in Chatham, of the Presbyterian Church of Canada in connection with the Church of Scotland, that by Letters Patent, bearing date the eighteenth day of September, A.D., 1837, a certain parcel of land of ten acres, in the said Town of Chatham, and more particularly described in the said Grant, was granted by the Crown to one Robert Innes and others therein named, in Trust, for the benefit of the said Presbyterian congregation at Chatham, in connexion with the Church of Scotland; that the said Robert Innes and all the other original Trustees named in the said grant, are either now dead or have removed from the Town of Chatham, and neighbourhood: and that it is now desirable to sell the said lands for the benefit of the said congregation.

Preamble.

Grant in trust for the Presbyterian Congregation at Chatham.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. That the said land, and all the estate and interest therein of the grantees named in the said letters patent shall, by virtue of this Act, and from henceforth be deemed to be, and are hereby declared to be vested in the present Trustees of the said congregation, viz: William Neilson, John McRay, Charles George Charteris, William McNaughton, William Ferguson, John McCormick, William Adams, Duncan Campbell and Duncan McNaughton, (and who are hereby declared to be the sole present Trustees, duly authorized to act in behalf of the said congregation, notwithstanding any irregularity, if any, in their appointment) in fee simple, and that they and their successors in office, to be appointed as hereinafter provided, shall hold the same upon the trusts set forth in the said letters patent.

The present Trustees declared duly authorized to act.

2. That the Trustees, last above named, shall continue to be trustees until they die or resign their office, or leave the Church or cease to support it. When the number of the present Trustees shall have fallen by death or otherwise below seven, a new appointment of one or more shall be made, as hereafter provided, to bring their number up again to seven, which shall hereafter be the legal number. The election of all future Trustees shall be vested in the congregation; such election shall take place at the next Annual Congregational Meeting after the number of the present Trustees has fallen below seven, or at the next Annual Congregational Meeting after any future vacancy shall take place, of which meeting the usual notice shall be given; a Minute of the election of such new Trustees, signed by the Chairman and Secretary of the Congregational Meeting,

Provision for new appointments.

Election vested in the congregation.

shall be sufficient evidence of their Election, and such Minute shall be entered in the records of the Trustees : The Trustees shall appoint, from their own number, a Chairman and Secretary annually : The officers now holding the said appointments, respectively, shall continue such for the present year ; and that at any duly called meeting of the Trustees four shall be a quorum.

Power to the Trustees to sell.

3. It shall be lawful for the Trustees, in the first section of this Act named, or the Trustees for the time being, to make sale of the whole or any part of the said lands at such times and prices, and on such terms, and by private or public sale, as they may think best, and with power to take mortgages to secure the purchase monies, or any part thereof, provided that such sale or sales be made subject to the leases now granted of part of the said lands. The said Trustees to have the power to take a surrender of the said leases upon such terms as may be agreed upon.

Investment of Proceeds.

At Interest.

Except \$3,500

4. The Trustees, for the time being, are hereby authorized and required, after the payment of all necessary and reasonable charges and expenses, without unnecessary loss of time, to invest in Government Securities or Municipal Debentures, or in Real Estate Securities as the Trustees may deem best, at such rates of interest and on such terms as may be agreed on ; all monies received from the sale of the said lands, except the sum of three thousand five hundred dollars hereinafter mentioned, and from time to time, as may be thought expedient to change such investments : Provided that the interest only of the said monies, so invested, shall be applied to the ordinary uses and purposes of the said congregation.

For the erection of a new Church.

5. That the Trustees, for the time being, shall have power to apply a sum, not exceeding the said sum of three thousand five hundred dollars, out of the proceeds of the sale, in aid of the erection of a new church for the said congregation, on such site as may be selected in the said Town of Chatham.

Officers to be appointed to execute deeds &c.

Also a Treasurer.

Books and records to be kept.

6. That by resolution the Trustees, for the time being, may authorize and appoint their Chairman and Secretary to execute deeds of the lands sold under this Act, which resolution shall specify the lands to be conveyed, the names of the purchasers, and the amount of the purchase money, and also to give receipts, discharges of mortgages and other acquittances : and shall appoint a Treasurer, who, before entering on the duties of his office, shall give sufficient security for the proper discharge of his duties ; and the said Trustees shall keep suitable books and records in which shall be entered the several transactions and proceedings of the said Trustees, in connexion with the Lands Monies and Securities in this Act mentioned.

7. That any deed of conveyance, given or executed under this Act, may be in the form contained in the schedule hereto, and any deed executed by the chairman and secretary for the time being of the said trustees shall operate as a valid and effectual conveyance of the land therein described, to the purchaser thereof, and of the fee simple and inheritance thereof, and that such purchaser, his heirs and assigns, shall thereby acquire a good and indefeasible estate of inheritance in fee simple in the premises, free from the trusts expressed

in the said letters patent, and shall not be answerable or accountable for the purchase or consideration money stated in any such deed of conveyance, or in any way liable for the application or misapplication thereof; nor shall it be incumbent on the purchaser or purchasers, or any person or persons, claiming, by, through, or under them, to adduce or give proof, as part of their title, of any Act, deed, matter, or thing anterior to the execution of any such deed by such chairman or secretary.

8. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE REFERRED TO IN THIS ACT.

This indenture, made the day of in the year of our Lord, 18 , whereby it is witnessed that A. B. of Chairman of the Trustees of St. Andrew's Church, in the Town of Chatham, and C. D. of Secretary to the said Trustees for and in consideration of the sum of to them paid by E. F. of the receipt whereof is hereby acknowledged, have granted, and conveyed, and by these presents do grant and convey, for and behalf of the said trustees, by virtue of the statute made and passed in the 31st year of Her Majesty's reign, Chapter , entitled "An Act to enable the Trustees of St. Andrew's Church, in the Town of Chatham, to sell lands held by them for the use of the Congregation, and for other purposes," unto the said E. F. his heirs and assigns, all that parcel of land (describing the premises), to hold the same, with their appurtenances, unto and for the only proper use and behoof of the said E. F. his heirs and assigns for ever.

Witness the hands and seals of the said A. B. and C. D. the day and year first above written.

Signed, sealed and delivered }
in the presence of }

A. B. L. S.
C. D. L. S.

[No. 36.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL

To authorize St. Andrew's Church to
sell Lands, &c.

PRIVATE BILL.

1st Reading, January 21, 1868.

Mr. McKEILLAR.

TORONTO:

PRINTED BY SAMUEL BEATTY.

An Act to legalise a certain By-law and certain Debentures of the Corporation of the Township of Bayham.

WHEREAS, doubts have arisen as to the validity and Preamble.
 legality of a certain By-law of the Municipal Corporation of the Township of Bayham, entitled "A By-law granting a loan of money to the Bayham, Richmond and Port Burwell Road Company," and which By-law was made and passed in the year of our Lord one thousand eight hundred and fifty-four —and is numbered one hundred and sixteen. Doubts as to By-Law No. 116.

And whereas a certain number of Debentures have been issued under the said By-law to the amount of sixteen thousand dollars (\$16,000) and no part of the principal or interest of such Debentures has been paid, except the sum of three hundred and forty dollars as interest, and the holders of the said Debentures have petitioned to have such doubts removed and the said By-law and debentures made and declared to be legal, and provision made for payment thereof and the interest thereon. Debentures issued.

And whereas, as there is now due and owing upon the said Debentures the sum of sixteen thousand dollars (\$16,000) for principal and the sum of twelve thousand one hundred and forty dollars (\$12,140) for interest from the date of the said Debentures up to the first day of January last, one thousand eight hundred and sixty-eight, making together the aggregate sum of twenty-eight thousand one hundred and forty dollars (\$28,140.) Amount due.

And whereas the amount of the whole rateable property of the said Municipality, according to the last revised assessment roll of the said Municipality, being for the year one thousand eight hundred and sixty-seven, was eight hundred and sixty-five thousand three hundred and fifty-five dollars (\$865,355.) Amount of rateable property.

And whereas the holders of the said Debentures are willing to extend the time for the payment of the said Debentures and interest over a period of ten years, from the first day of January last, by ten annual instalments with the accruing interest added thereto at the rate of six per cent. per annum. The holders of debentures willing to extend the time for payment by ten annual instalments.

And whereas upon calculation it is found that the amounts payable each year therefor will be as follows:— Amounts collected.

Date.	Instalment.	Interest.	Total.
1st January, 1869....	\$2,814	\$1,688 80	\$4,502 80
" " 1870 ...	2,814	1,519 56	4,333 56
" " 1871....	2,814	1,350 72	4,164 72
" " 1872....	2,814	1,181 88	3,995 88
" " 1873....	2,814	1,013 04	3,827 04
" " 1874....	2,814	844 20	3,658 20
" " 1875....	2,814	675 36	3,489 36
" " 1876....	2,814	506 52	3,320 52
" " 1877....	2,814	337 68	3,151 68
" " 1878....	2,814	168 84	2,982 84

Making in the aggregate the sum of \$37,426 60 to be raised for payment of said debentures and interest as aforesaid.

And whereas it is just and expedient to legalize and provide for the payment of the said debentures and interest accordingly:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts:

By-Law confirmed. 1. The said By-Law for and notwithstanding such doubt and any irregularities in the passing of the said By-Law or matters preliminary thereto, or any insufficiency at Law therein, either in substance or form, is hereby legalized and made valid, and shall be held to have been valid from the time of the passing thereof; And all Debentures issued and proceedings and dealings heretofore made and had, or hereafter to be made or had under the said By-Law, are hereby also declared legal and valid.

With interest 2. That all arrears of interest due in respect of the said debentures, from the date of the said debentures up to the said first day of January last, shall be deemed to be still legally due and recoverable thereon until payment, any Law or Statute to the contrary notwithstanding. That the said municipality shall raise or cause to be raised upon the rateable property in the said municipality the aforesaid aggregate amount or sum of \$37,426 60 by ten annual instalments payable as follows, viz.:

Amounts.	1st January, 1869.....	\$4,502 80
	" " 1870.....	4,333 56
	" " 1871.....	4,164 72
	" " 1872.....	3,995 88
	" " 1873.....	3,827 04
	" " 1874.....	3,658 20
	" " 1875.....	3,489 36
	" " 1876.....	3,320 52
	" " 1877.....	3,151 68
	" " 1878.....	2,982 84

To be paid over annually to the holders. which said several instalments shall be raised by the times above stated and shall be paid over annually to the holders or owners of the said debentures, his, her or their lawful representatives, on demand in the proportion due to each of them on account of the debentures owned or held by them respectively, in or towards any payment and satisfaction of such debentures and interest, and such payments shall be made on the first day of January in each year of the years aforesaid (Sundays excepted) and in such case then on the day next following.

Collection of Rate. That the imposition and collection of the same upon and from the ratepayers of the said municipality may and shall be made and enforced in the same in manner or any other legal rate or assessment in the same municipality may be imposed or collected.

Public Act. This Act shall be deemed a Public Act.

BILL.

An Act to legalize By-law No. 116
of the Township of Bayham and
certain Debentures issued under the
authority thereof.

PRIVATE BILL.

1st Reading, January 21, 1868.

HON. MR. CAMERON.

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No. 38.

BILL.

1868.

An Act to Authorize the Crescent Petroleum Association of New York and Canada to hold and dispose of certain lands.

WHEREAS, the President and Secretary of the Crescent Petroleum Association of New York and Canada, incorporated under the laws of the State of New York, have represented by their petition, that they, as a Foreign Corporation, became possessed, by purchase in fee simple, of certain lands in the Township of Enniskillen, in the County of Lambton, in the Province of Ontario, viz., the westerly half, and a part of the easterly half, of Lot number Thirteen, in the Tenth Concession of the said Township of Enniskillen, containing one hundred and ninety-five acres, two roods and four perches, more or less, as the same are particularly described by metes and bounds in the deed thereof, from one William B. Fowle to the said Crescent Petroleum Association of New York and Canada; And, whereas, the said Company acquired the said lands in ignorance of their inability, legally, to purchase or convey real estate in Canada; And, whereas, the said company have petitioned that the said lands may be legally vested in them the said Company, and that they may be empowered to convey and alienate the said lands, and it is expedient to grant their prayer. Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. The said Company are hereby declared to have been, at the time they purchased and took the conveyance of said lands, capable of taking and holding the said lands for such estate as shall have been conveyed, or intended so to be, and the President and Secretary of the said Company, for the time being, may, by deed or deeds under their hands and seals, sell and convey the said lands to any person or body corporate, in fee simple, or by such deed lease the same for a term of years, and any deed so executed, containing a receipt for the purchase money, shall relieve the purchaser from any liability to see to the application of the same, and from all liability for the non-application, or misapplication, thereof. The Company may hold the said lands and dispose of them.

2. This shall be deemed a Public Act.

Public Act.

[No. 38.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL

An Act to authorize the Crescent
Petroleum Association of New
York and Canada to hold and con-
vey certain lands.

PRIVATE BILL.

1st Reading, January 21, 1868.

Mr. PARDEE.

TORONTO:

Printed by Samuel Beatty.

An Act to grant certain powers to the Waterloo County
Mutual Fire Insurance Company.

WHEREAS the Waterloo County Mutual Fire Insurance Company have by their Petition set forth that they have been organized and have carried on business in the Village of Waterloo, since the month of March, A. D., 1863, as a Mutual Fire Insurance Company, under the provisions of the Act respecting Mutual Fire Insurance Companies, and have prayed that, for the better management of the affairs of the Company, additional powers may be conferred upon them, and it is expedient that the prayer of the said petition be granted.

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. The said Company may hold their annual meeting for the election of Directors, at such time in each year as may appear most expedient to the Board of Directors.

Annual Meeting

2. From and after the next annual meeting for the election of Directors, the Board shall consist of fifteen members, five of whom shall retire annually in rotation but shall be eligible for re-election.

Board of Directors to consist of fifteen members.

3. Before the next annual meeting for the election of Directors, the Directors, or a quorum of them, shall determine among themselves by ballot: First, which five of the present Directors shall continue in office for one year, and the said Directors, after such ballot, shall be known as standing first on the list of Directors; Secondly, which five of the present Directors shall continue in office for two years, and the said Directors after such ballot, shall be known as standing second on the list of Directors; and the present Directors, except the ten so selected by ballot, shall all go out of office at the next meeting for the election of Directors, and at such meeting there shall be five Directors elected, who shall continue in office for three years, and shall be known as standing third on the list of Directors.

Continuing Directors to be determined by ballot.

4. The Directors shall retire from office in the following rotation, that is to say; Five Directors at each annual meeting after the next, commencing with the five Directors standing first on the list of Directors, and in the same manner the five Directors standing next on the list at any annual meeting thereafter; the retiring Directors shall always be eligible for re-election, and the Directors shall hold office for three years, and until the next annual election thereafter.

Directors to retire in rotation.

5. No Agent or sub-Agent of the Company shall receive or hold proxies for voting at meetings of the said Company, and no proxy to vote thereat shall be valid unless the same shall have been deposited with the Secretary for registration, at least one month before the meeting at which such proxies shall be acted upon.

Proxies to be entered one month before meeting.

Vice President may be chosen.

6. The Board of Directors of said Company may annually choose one of their number Vice-President.

Separation of Business into three branches

7. The said Company may separate their business into three branches or departments, viz:

1.—The Village Branch,

2.—The Farmers' Branch,

3.—Manufacturers' Branch.

Cash premiums on policies.

8. The said Company may issue policies and collect premiums in cash, for insurances, for terms of two or more years; and parties so paying in cash, shall not be liable to any further charge or assessment, whatsoever, nor shall they be held to be members of the said company in any respect.

Assessment on premium notes to be in proportion to time.

9. All premium notes given within the year, for which the annual assessment is made, and all premium notes expiring during the year, shall be assessed in proportion to the time for which they are in force, and the cash premium paid at the time of insurance shall in no case be held to be part of the annual assessment.

In actions brought certificate of Secretary evidence of amount due *prima facie*.

10. Whenever any assessment is made on any premium note given to the Company for any risk taken by the Company, or as a consideration for any policy of insurance issued, or to be issued by the Company, and an action is brought to recover such assessment, the certificate of the Secretary of the Company, specifying such assessment, and the amount due to the Company on such note by means thereof, shall be taken and received as *prima facie* evidence thereof in all courts and places whatsoever.

Equalizing assessments.

Reserve fund.

11. For the purpose of equalizing the assessments which the said Company is now authorized by law to make, and of providing for the speedy and certain payment of losses incurred and for expenses of management, the said Company may from time to time raise an equalization or reserve fund by assessing its premium notes in such manner and at such times as shall appear most expedient to the Directors, provided always that the sum to be paid by each member shall be in proportion to his premium note, and shall not exceed one per cent. for the three years' risk on the one Hundred dollars insured in the Farmer's Branch; five per cent. for the three years' risk on the hundred dollars insured in the Village Branch; and fifteen per cent. for the three years' risk on the hundred dollars insured in the Manufacturers' Branch, until the whole amount so raised shall have become exhausted.

In case of failure to pay premiums.

Proviso.

12. In case of the failure or neglect on the part of any policy-holder to pay the amount of any premium note given for insurance, or any assessment thereon, on the day when the same shall be due, or within thirty days thereafter, the policy on account of which such note was given, or assessment made, shall become void, and of no effect for and during such period as the said note or assessment shall remain unpaid; provided that it shall be optional with the Directors to enforce payment of the said note or assessment at their discretion.

13. The Act respecting Mutual Insurance Companies being chapter fifty-two of the Consolidated Statutes of Upper Canada, except in so far as the same may be inconsistent with this Act, shall apply in all its provisions to the Waterloo County Mutual Fire Insurance Company.

The General Mutual Insurance Act, cap. 52, Consol. Stat. U. C. to apply where not inconsistent with this Act.

14. The Act entitled an Act to grant certain powers to the Waterloo County Mutual Fire Insurance Company, passed in the 29th year of Her Majesty's reign, chapter 92, is hereby repealed, nevertheless, the power to complete under the provisions of said Act, any matter or thing begun under the same, if any there be.

Chapter 92 of the 29th Vic. repealed.

15. This Act shall be deemed a Public Act.

Public Act.

No. 39.J

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to grant certain powers to
the Waterloo County Mutual Fire
Insurance Company.

PRIVATE BILL.

First Reading, January 21, 1868.
Second Reading, February 10, 1868.

MR. SPRINGER.

TORONTO:

Printed by Samuel Beatty.

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No. 40).

BILL.

(1868.

An Act to Incorporate the Board of Trade of the
Town of Guelph.

WHEREAS John McCrea, James Goldie, George Preamble.
Robins, Peter Gow, Alexander Thomson, James
Massie, David Allan, John A. Wood, W. S. G. Knowles,
Robert Melvin, Charles Davidson, N. Higginbotham, William
Wilkie, Francis Evatt, Henry William Peterson, and others
hereinafter named, resident in the Town of Guelph, have by
their petition to the Legislature, represented that they have
associated themselves together for some time past for the pur-
pose of promoting such measures as they have deemed im-
portant towards developing the general trade and commerce
of Canada, and of the Town of Guelph in particular, and
have further represented that the said Association would be
more efficient in its operations should an Act of Incorporation,
conferring certain powers on them and their successors, be
granted; and whereas it is expedient that the prayer of the
said petition be granted: Therefore, Her Majesty, by and with
the advice and consent of the Legislative Assembly of On-
tario, enacts as follows:—

1. The said John McCrea, James Goldie, George Robins, Names of
Peter Gow, Alexander Thomson, James Massie, David Allan, Members.
John A. Wood, W. S. G. Knowles, Robert Melvin, Charles
Davidson, N. Higginbotham, William Wilkie, Francis Evatt,
Henry William Peterson, with David Stirton, Thomas S. Par-
ker, George John Grange, John Nogg, Robert Chance,
George Jeffrey, G. M. Stewart, William Clarke, Adam
Robertson, William Day, John Horsman, J. L. Lewis, Francis
Prest, C. E. Romain, Stephen Bolt, Thomas McCrae, George
Elliott, T. J. Day, W. H. Mills, William Stewart, Charles
Raymond, F. W. Stone, O. Pooley, A. M. Jackson, G. W.
Sandilands, Edmond Morris, A. MacNider, David McCrae,
Robert Thompson, John Harvey, Thos. Holliday, George
Prince, James Barclay, Robert J. Stewart, Andrew Lemon,
Donald Guthrie, T. W. Saunders, Thomas Saunders, Edwin
Newton, John Harris, James Murphy, George Hadden, A. A.
Baker, George Hough, George Pine, Jonathan Wilkinson, and
James Innis, and J. McLaggan, and David Molton, George
Murton, F. J. Chadwick, P. McCurry, A. B. Petrie, Thomas
Heffernan, G. Palmer, James Webster, D. McLennan, E. R.
Darten, and such other persons, residents of the said Town of
Guelph, as are or shall be associated with the persons above
named, for the purposes of this Act, in the manner hereinafter
provided, and their successors shall be and are hereby consti-
tuted a body politic and corporate, by the name of the
“Guelph Board of Trade,” for the purposes mentioned in the
preamble, and may by that name sue and be sued, implead
and be impleaded, answer and be answered, defend and be de-
fended, in all courts of law and equity, and all other places
whatsoever, in all manner of actions, suits, complaints, mat-

ters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter, or change, at their will and pleasure: and they and their successors, by their corporate name shall have power to purchase, take, receive, hold, and enjoy any estate whatsoever, real or personal, and alienate, sell, convey, lease, or otherwise dispose of the same or any part thereof from time to time, and as occasion may require, and other estate, real or personal, to acquire instead thereof, and other estate, real or personal, to acquire instead thereof, **Provided**, always, that the clear annual value of the real estate held by the said corporation, at one time, shall not exceed Five Thousand Dollars: and **Provided**, also, that the said corporation shall not have or exercise any corporate powers whatsoever, except such as are contemplated by law, or more expressly conferred on them by this Act, or which may be necessary for carrying the same into effect according to its true intent and meaning.

Common Seal
Property.

Proviso.

Property lim-
ited to \$5,000.
Proviso as to
powers.

Application of
Funds.

2. The funds and property of the said Corporation shall be used and applied to, and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of this Province generally, and of the Town of Guelph in particular, or as may be necessary to attain the objects for which the said Corporation is constituted, according to the time, intent and meaning of this Act.

Domicile and
service of
proceeds.

3. The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof; and service at such place of any notice or process of any kind, addressed to the said Corporation shall be held to be sufficient service of such notice, or process on the Corporation.

4. For the management of the affairs and business of the said Corporation, there shall be a Council to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, Vice-President and Secretary, and twelve other members of the said Council, all of whom shall be members of the said Corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council.

First Presi-
dent, V.-Presi-
dent and the
members of
the Council.

5. The said John McCrea shall be President, the said James Goldie shall be Vice-President, the said George Robins the Secretary, and the said Peter Gow, Alexander Thomson, James Massie, David Allen, John A. Wood, W. S. G. Knowles, Robert Melvin, Charles Davidson, N. Higginbotham, William Wilkie, Francis Evatt and Henry William Paterson and other members of the Council until the first election to be had under the provision of this Act, and the Council hereby appointed, shall, until the said election, have all the powers assigned to the Council by this Act.

Powers.

Times of Gen-
eral Meeting.

6. The members of the said Corporation shall hold a general meeting every three months, that is to say on the second Tuesday in January, April, July and October, at some place within the town of Guelph, of which, notice, naming the time and place, shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through one newspaper or otherwise, as may be thought necessary by the said Council; and at the General Meeting on the

second Tuesday in the month of April the members of said Corporation present, or a majority of them, shall then and there elect in such way as shall be fixed by the By-Laws of the Corporation from among the members of the Corporation one President, one Vice-President and one Secretary, and twelve other members of the Council who, with the President, Vice-President and Secretary, shall form the Council of the said Corporation, and shall hold their offices until others shall be elected in their stead at the next General Meeting in the month of April, as aforesaid, or until they shall be removed from office or shall vacate the same under the provisions of any By-law of the Corporation. Provided always that if the said election shall not take place on the second Tuesday in the month of April, as aforesaid, the said Corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said Corporation, to be called in the manner hereinafter provided, and the members of the Council in office shall remain members until the election shall be had.

Election of
President, &c.
and members
of Council.

7. If any member of the said Council shall die or resign his office, or he be absent for four months continuously from the meetings of the said Council, it shall be lawful for the said Council at any meeting thereof, to elect a member of the said Corporation to be a member of the said Council in the place of the member so dying or resigning or being absent, and such new member shall be so elected by a majority of the member of the said Council present at any meeting of the same, in case there is a quorum present at such meeting, and the members so elected shall hold office until the next annual election, and no longer, unless reelected.

Filling vacancies in case of death or resignation or absence of member.

8. At any Annual or General Meeting of the said Corporation, whether for the purpose of electing members of the Council or for any other purpose, a majority of members present at such meeting shall be competent to do and perform all acts which either by this Act or by any By-law of the said Corporation are or shall be directed to be done at any such General Meeting.

Majority to have full powers at annual or other general meetings.

9. Any member of the said Corporation intending to retire therefrom or resign his membership may at any time do so upon giving to the Secretary, in writing, ten days notice of such intention, and discharging any lawful liability which may be standing upon the books of the said Corporation against him at the time of said notice.

Retirement of Members.

10. It shall be lawful for the said Corporation or the majority of them present at any General Meeting, to make and enact such By-laws, rules and regulations for the Government of the said Corporation providing for the admission and expulsion or the retirement of members, and for the management of its Council, officers and affairs, and for the guidance of the Board of Arbitrators hereinafter mentioned, and all other By-laws in accordance with the requirements of this Act or the laws of this Dominion, as such majority shall deem advisable, and such By-laws shall be binding on all members of the said Corporation, its officers and servants, and all other persons whomsoever lawfully under its control; provided that no By-law shall be made or enacted by the said Corporation without notice in writing thereof having been given by one member

Making By-laws and for what purpose.

Proviso Notice of proposed By-law.

and seconded by another member at a previous General Meeting, and duly entered in the books of the said Corporation as a minute of the said Corporation.

Who and
what classes
may become
members of
the Corpora-
tion, and how.

Proviso as to
members not
being trades,
&c.

Notice of
Special Gene-
ral meetings.

Meeting of
Council.

Casting vote.

Council to
frame By-
laws,

11. Each and every person then resident in the town of Guelph or the vicinity thereof, and carrying on trade or commerce of any kind therein or therewith, or being or having been a merchant, trader, mechanic, manufacturer, manager or agent of a Bank or Insurance Company therein or possessing any real estate therein, shall be eligible to become a member of the said Corporation, and at any General Meeting of the said Corporation it shall be lawful for any member of the said Council or of the said Corporation to propose any such person as aforesaid as a candidate for becoming a member of the said Corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the said Corporation then present, he shall henceforth be a member of the Corporation, and shall have all the rights and be subject to all obligations which the other members possess and are subject to; provided always that any person not being a merchant or trader, mechanic, manufacturer, manager or agent of a Bank or Insurance Agent or possessor of real estate shall be eligible to become a member of the said Corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such Meeting.

12. It shall be lawful for the said Council, or a majority of them, by a notice inserted in one or more newspapers published in the said Town of Guelph, at least one day previous to the said meeting, or by a circular letter signed by the Secretary of the said Corporation, to each member, and mailed at least one day previous to the said meeting, to call a general meeting of the said Corporation for any of the purposes of this Act.

13. It shall be competent to the said Council to hold meetings from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act, or by the By-Laws of the Corporation, be assigned to them; and such meetings of the Council shall be convened by the Secretary, at the instance of the President, or upon the request of any two members of the Council, and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any By-Law of the Corporation, except only the power of enacting or altering any By-Law, or admitting any member, which shall be done in the manner provided for by this Act (and no other), and any five or more members of the Council, lawfully met, (and of whom the President or Vice-President shall be one, or in case of their absence any seven or more members lawfully met,) shall be a quorum, and any majority of such quorum may do all things within the powers of the Council, and at all meetings of the said Council, and at all general meetings of the Corporation the President, or in his absence the Vice-President, or if both be absent, any member of the Council then present who may be chosen for the occasion shall preside, and shall in all cases of equality of votes upon any division have a casting vote.

14. It shall be the duty of the said Council, as soon as may be after the passing of this Act, to frame such By-laws, Rules and

Regulations as shall seem to the said Council best adapted to promote the welfare of the said Corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said Corporation, called for that purpose, in the manner hereinbefore provided.

15. All subscriptions of members due to the said Corporation under any By-law, all penalties incurred under any By-law by any person bound thereby, and all other sums of money due to the said Corporation shall be paid to the Secretary thereof, and in default of payment may be recovered in any action brought in the name of the said Corporation; and it shall only be necessary to allege in such action that such person is indebted to the said Corporation in the sum of money the amount of such arrearage, on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said Corporation by virtue of this Act. Recovery of subscriptions, penalties, &c.

16. On the trial or hearing of any such action, it shall be sufficient for the said Corporation to prove that the defendant at the time of making such demand, was or had been a member of the said Corporation, and that the amount claimed for such subscription, penalty or otherwise was standing unpaid upon the books of the said Corporation. Proof in such case.

17. The meetings of the members of the Council shall be open to all members of the said Corporation who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the said Council or the said Corporation, shall be entered in books to be kept for that purpose by the Secretary of the said Corporation, and the entry thereof shall be signed by the President of the said Council, or such other person who at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any member of the said Corporation free from any charge. Meetings of the Council to be open to members.

18. At the same time and times as are hereby appointed for the election of the said Council, and in the same manner it shall be lawful for the members of the said Corporation to elect from their number five persons who shall form a board, which shall be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned, and whenever any such parties shall agree to bind themselves by bond or otherwise, to submit the matter in dispute between them to the decision of the said board of arbitrators, such submission shall be understood to be made to any three members of the said board, who may either by the special order of the said board, or by virtue of any general rules adopted by them, or under any By-law of the said Corporation touching the consideration of any cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to them, and such decision shall be binding upon the said Board, and the parties making the submission, and any such submission shall be according to the form set forth in the Schedule to this Act, or in words to the same effect. Board of Arbitration.
Powers.
Form of submission.

Members to be sworn. 19. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President, or Vice-President, of the said Corporation on oath, that they will faithfully, impartially, and diligently perform their duties as members of the said Board of Arbitration, and this oath shall be kept among the documents of the said Corporation.

Members of Council may be arbitrators. 20. Any member of the Council of the said Corporation may, at the same time, be a member of the said Board of Arbitration.

Powers of hearing cases and examine witnesses by arbitrators. Award. 21. The three members appointed to hear any case submitted for arbitration, as aforesaid, or any two of them, shall have power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who, appearing voluntarily before them, shall be willing to be so examined, and shall give their award thereupon in writing, and their decision, or that of any two of them, given in such award, shall bind the parties according to the terms of the submission and the provisions of this Act.

Power to appoint Board of Examiners for certain inspectorships 22. From and after the passing of this Act it shall be lawful for the Council of the said Corporation to appoint five persons to constitute a Board of Examiners for the Town of Guelph, for the year commencing on the first day of May, then next, and ending on the thirtieth day of April following, to examine applicants for the office of Inspector of Flour and Meal, or of any other article subject to inspection, and for the said Council to do all such other acts, matters and things connected with the inspection of flour and meal, or any other article, and have as full power, and be subject to the same conditions as those conferred upon, and required of the Councils of the Boards of Trade, by virtue of the Act, chapter forty-seven, of the Consolidated Statutes of Canada, or any other Act of Parliament now conferred, or which may hereafter be conferred, and the said Examiners and Inspector shall also be subject to all the conditions, requirements, oaths, matters and things (touching their office) set forth in the said Act or Acts.

Oaths and affirmation. 23. Any person who may, by law, in other cases, make a solemn affirmation, in stead of taking an oath, may make such solemn affirmation in any case whereby this Act, an oath, is required; and any person who shall wilfully swear, or affirm falsely, in any case where any oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

Act not to affect her Majesty. 24. Nothing in this Act shall effect any rights of Her Majesty, her heirs or successors, or of any person or party whomsoever such rights only excepted as are herein expressly mentioned and effected.

Public Act, 25. This Act shall be deemed a Public Act.

SCHEDULE.

Form of submission to the Board of Arbitration.

Know all men that the undersigned,
and the undersigned (if there be more

parties, that is, more separate interests mention them) having a difference as to the respective rights of the said parties in the case hereunto subjoined, have agreed and bound themselves under a penalty of dollars, to perform the award to be made by the Board of Arbitration of the Board of Trade of the Town of Guelph, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award to the party ready and willing to perform the same.

In Witness thereof, the said parties have hereunto set their hands and affixed their seals, at the Town of Guelph, on the day of A. D. 18

A. B.	(L. S.)
C. D.	(L. S.)
E. F.	(L. S.)

FORM OF OATH.

To be taken by the Members of the Board of Arbitration.

I swear that I will faithfully, impartially and diligently perform my duties as a member of the Board of Arbitration of the Board of Trade of the Town of Guelph, and that I will, in all cases in which I shall act as arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favour or affection of or for any party or persons whomsoever,

So help me God.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to Incorporate the Guelph
Board of Trade.

1st Reading, January, 21st, 1868.

Mr. Gow.

2
3
No. 41.]

BILL.

[1868.

An Act to extend the powers of the Gore District Mutual Fire Insurance Company.

WHEREAS it is expedient to extend the powers of the Gore District Mutual Fire Insurance Company: Her Majesty, therefore, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. That one of the Directors, elected at any annual meeting for the Election of Directors, shall be elected Vice-President of the Company by the said Directors, and that his election shall be by ballot, at the same time that the President shall be elected. ^{Election of V. President.}

2. That it shall be required of him that he shall undertake the duties of the President during his absence or illness, or during the continuance of any other cause which may prevent him from discharging said duties. ^{His duties.}

3. That all premium notes belonging to the Company may be assessed yearly, at intervals of one or two or three years from their respective dates, or whenever the policies for which such premium notes may have been given shall have expired, for such proportion of the losses and expenses of the Company as shall have been incurred since the date of said notes or of the last assessments on them respectively. ^{Assessment of Premium Notes at intervals.}

4. That, in order to enable the Board of Directors to pay losses and expenses before the assessment made especially to meet said losses and expenses shall have become due, it shall be lawful for them to issue debentures or promissory notes for periods not to exceed twelve consecutive months, under By-law to be passed for the purpose, said debentures to be signed by the President or Vice-President, countersigned by the Secretary and to bear the corporate seal of the Company, and said By-law shall set forth the purpose for which any debenture shall be issued, and no debenture shall be issued until an assessment shall have been declared ample to meet the loss or losses and expenses, for the early payment of which it is intended that said debenture shall be issued. ^{Power to issue Debentures, or Notes. Under By-law setting forth the purpose.}

5. That said debentures shall be secured on the premium notes of the Company, and it shall be lawful for the Board of Directors to borrow money on such debentures from any of the chartered Banks in the Province, and to renew the same, provided that no debenture and its renewals shall extend over twelve consecutive months, that the discount thereon shall not exceed the rate of discount legally chargeable by said chartered Banks, and that the total amount of such debentures shall not at any one time exceed one-fourth of the premium notes held by the Company. ^{Debentures, how secured.}

6. That the Directors may renew, by the issue of renewal ^{Renewal of}

Policies. receipts instead of policies as heretofore, policies which shall have been granted for not more than two years or for less periods, the premium notes for such policies to remain in full force and effect during the periods for which such renewal receipts may have been granted, Provided, always, that no such renewal shall be for a longer period than one year; that not more than two renewals shall be granted of any policy, and that each and every such renewal receipt shall be signed by the President or Vice-President, and countersigned by the Secretary.

Assessment Receipts. 7. That no assessment receipt shall be binding on the Company unless signed by the President or Vice-President and countersigned by the Secretary of the Company.

Cash Policies for one year. 8. That the Company may issue policies of insurance for one year, upon which the premiums may be paid in cash, and the promissory notes for premiums dispensed with; that parties so paying in cash shall not be liable to any other charge or assessment whatsoever, and that such policies may be renewed at the discretion of the Board of Directors, by renewal receipts instead of by policies on the parties insured, paying the required premiums, Provided that no such renewal shall be for a longer period than one year.

Cash premiums, how applied. 9. That the cash premiums so received shall be applied in payment of that proportion of the outlay of the Company, which the insured, who shall have paid such cash premiums, shall have incurred during the periods over which their respective policies may have extended, and should any surplus remain over and above what may have been so incurred, the same may be either returned to, or held at interest, not exceeding seven per cent. per annum, for the benefit of those, (pro rata,) from whom it may have been received; or the Directors may create out of said surplus, a reserve fund to meet any deficiency that may arise from the losses and expenses of the Company during any year exceeding such an assessment as would be equivalent to the aforesaid cash premiums, Provided always, that said cash premiums shall be proportionate to the Tariff of Rates in use by the Company, and not less than the cash premiums ordinarily charged by Proprietary Companies doing Fire Insurance business in Canada.

Reserve Fund Scrip. 10. That should the Directors create a reserve fund in manner aforesaid, they shall have the power to grant to each member whose profits have been contributed thereto, scrip for the amount so contributed, which scrip may bear interest at the rate not to exceed seven per centum per annum from the date of its issue, and shall become payable whenever said reserve fund shall have amounted to such a sum of money as the Directors may deem prudent to retain as a reserve fund, and the holders of the earliest dated scrip shall be paid first.

Interest to Insurers on Cash payments. 11. That the Directors may pay interest to insurers at a rate not exceeding seven per cent. per annum on all cash payments that may be made on policies at or before their respective dates, such interest, in each case, to commence from the date of the insurance.

12. That the office of the Company shall be located at Galt, ^{Company's} as at present. ^{Office, Galt.}

13. Whenever any assessment is made on any premium note given to the Company for any risk taken by the Company or as a consideration for any policy of insurance issued or to be issued by the Company, and an action is brought to recover such assessment, the certificate of the Secretary of the Company specifying such assessment and the amount due to the Company on such note by means thereof shall be taken and received as prima facie evidence thereof in all courts and places whatsoever. ^{In actions for Assessment, Secretary's Certificate prima facie evidence.}

14. If the assessment on the premium note of any policy be not paid within thirty days of the day on which the notification of it shall have been mailed to the assessed party at his or her post office address as given by him or her in writing to the Secretary of the Company, the policy of insurance for which such assessment shall have been made shall be null and void; that said policy may be revived if the Company give consent thereto in writing when said assessment shall have been paid, but that nothing shall relieve assessed party from his liability to pay said assessment. ^{Non-payment for 30 days to vacate policy. Revival.}

15. A notice of assessment of the premium note of any policy shall be deemed sufficient if it embody the period over which the assessment may extend, the amount of the assessment and a copy of the preceding clause of this Act. ^{Notice of Assessment, what sufficient.}

16. The Act respecting Mutual Insurance Companies being chapter fifty-two of the Consolidated Statutes of Upper and the amendments thereof, except in so far as the same may be inconsistent with this Act, shall apply in all their provisions to the "Gore District Mutual Fire Insurance Company." ^{C: 52, U.C. Consolidated Statutes to apply.}

17. This Act shall be deemed a Public Act.

Public Act.

[No. 41.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act for the extension of the powers
of Gore District Mutual Fire Insurance
Company.

PRIVATE BILL.

2nd Reading, January 21st, 1868.

Mr. CLEMENS.

TORONTO:

Printed by Samuel Beatty.]

23
11
11
No. 42.]

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14
21
Feb
11
BILL.

[1868.]

An Act to extend the Cobourg, Peterborough and Marmora Railway.

WHEREAS, an Act was passed by the Parliament of the Province of Canada, in the sixteenth year of the reign of Her Majesty, intituled "An Act to incorporate the Cobourg and Peterborough Railway Company, under which the said Company has constructed the line of Railway thereby authorized: And, whereas, the Municipality of the County of Peterborough, and the said Railway Company, by their Petitions, represented that it would be greatly to the advantage of a large and important section of this Province that the said Railway should be extended from the Northern Terminus of the Road, in the village of Ashburnham, to some point on Chemong Lake and waters north of Peterboro, and it is expedient to grant the prayers of the said petitions: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Company shall have power to extend their line of Railway from the Village of Ashburnham, on either side of the Otonabee River, to some point on the Chemong Lake or waters north thereof.

2. The several powers and authorities conferred upon the Cobourg, Peterborough and Marmora Railway and Mining Company, in and by the said recited Act, and all subsequent Acts relating thereto, and the several clauses of the "Railway Act" mentioned and referred to in the said Acts, shall be construed to apply to the said extension.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to Extend the Cobourg,
Peterborough and Marmora Rail-
way to Chemung Lake.

PRIVATE BILL.

1st Reading, January st, 1868.

Mr. FRASER.

TORONTO :

Printed by Samuel Beatty.

To consolidate and amend the various Acts of the Parliament of Canada, relating to the Cobourg, Peterborough, and Marmora Railway and Mining Company.

WHEREAS the Cobourg and Peterborough Railway Company and the Marmora Iron Company have summated a union under the authority of the Act of the Parliament of Canada, passed in the 29th and 30th years of the reign of Her Majesty Queen Victoria. And whereas it is expedient and necessary that the several Acts of the said Parliament of Canada relating to the said Companies should be consolidated and amended: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Certain clauses of 14, 15, Vic., C. 51, incorporated with this Act.

1. And be it enacted, that the 1st, 2nd, 3rd, and 4th clauses of "The Railway Act," and also to the several clauses of the said Act with respect to Interpretation, Incorporation, Powers, Plans and Surveys, Lands and their Valuations, Highways and Bridges, Fences, Tolls, General Meetings, Directors, their Election and Duties, Calls, Municipalities, Shareholders, Actions for Indemnity and Fines and Penalties, and their Prosecution, Working of the Railway, and General Provisions for all Railways shall be incorporated with this Act.

What lines of Railway the Company may construct.

2. And be it enacted, that the said Company and their servants or agents shall have full power under this act, to lay out, construct, make and finish, a double or single Iron Railway, at their own costs and charges, on and over any part of the County, and across Rice Lake, lying between the Towns of Cobourg and Peterborough, to Peterborough, and the waters lying northward of said Town, and are authorized to form and run branch lines of Railway, connecting with any part of their Railway, or with their water route, on Rice Lake or the River Trent, into any point or points in the Townships of Marmora, Belmont, Lake, Madoc, Elzevir, Methuen, Douro, Dummer, and Smith, or any or either of them, and also to connect the Marmora Works, in the Township of Marmora, and the Ore Beds of Belmont, by line of Railway, either to the southward or northward of the Rice Lake and River Trent, with their main line of Railway, between Cobourg and Ashburnham, and also to cross the River Trent with the same, subject to and under and in accordance with all the clauses applicable to all and every of such works in the "Railway Act," which are incorporated herewith.

Value of shares.

3. The said Company are authorized to hold all the real estate and assets acquired under or pursuant to the deed of amalgamation of the said Company, which was duly registered in the Registry Offices of West Northumberland and Hastings, on the 23rd day of February, A. D. 1867, and also generally all other Real Estate and Chattels duly conveyed or

to be conveyed to them by any person or corporation whatsoever, and to purchase, acquire, and hold all necessary Locomotives, Rolling Stock, matters and things, which may be required to work their Railways to Peterborough and Marmora, or other branches or extensions which they may be authorised to construct and complete, and may build, purchase, acquire, charter or hold one or more vessels, to be propelled by steam or other power, with all such necessary scows, boats, and barges, as may be required to be used and employed on the waters of Rice Lake or Crow Lake, and the River Trent and the River Otonabee, by the said Company, for the purposes and in accordance with the objects and undertakings referred to in this Act.

4. The said Deed of Amalgamation, so registered as aforesaid, shall be valid and binding to all intents and purposes, as if the same had been incorporated with this Act.

5. The Cobourg, Peterborough and Marmora Railway and Mining Company are authorized to acquire real estate, and to mine for ores, minerals, marbles, and any other valuable substances, and smelt any such ores and mineral substances, and carry the same and every other description of freight to market, and to sell and convey and demise and let their real and personal Estate, or any part or parts thereof, to any person or persons, on such terms as to prices, rents, Royalties, or other returns, as the said Company shall deem meet.

Capital stock. 6. The Capital Stock of the Company shall be \$729,100, to be divided into Shares of Forty Dollars each, of which sum \$600,000, subscribed under the said Deed, shall be Preferred Stock, and the remainder Deferred Stock, which Deferred Stock shall not be entitled to rank on the profits of the Company, until after Eight per centum per annum shall have been paid on the Preferred Stock, and then only *pari passu* with the Preferred Stock for any residue of profit. Provided always that it shall be optional with the Deferred Shareholders and with the Company, to sell or purchase, or transfer, or change the said Deferred Stock, or any share or shares thereof, into Preferred Stock, on such terms as may be agreed upon.

Company may become parties to Promissory Notes & issue Bonds.

7. That the said Company may become parties to Promissory Notes and Bills of Exchange, for sums not less than One Hundred Dollars, and any such Promissory Notes made and endorsed, and any such Bill of Exchange drawn or accepted, or endorsed by the President of the Company or Vice-President, and countersigned by the Secretary or Treasurer, under the authority of the Directors, shall be binding upon the said Company, and every such Promissory Note or Bill of Exchange so made, drawn, accepted, or endorsed, either before or after the passing of this Act, shall be presumed to have been properly made, drawn, or endorsed, as the case may be, until the contrary may be shewn: and in no case shall it be necessary to have the seal of the Company affixed to any such Bill of Exchange or Promissory Note: nor shall the President, Vice-President, Secretary, or Treasurer of the Company, so making, drawing, accepting, or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever: Provided always, that nothing

in this section shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money or as Bank notes.

8. The Company may enter into contracts for filling in Rice Lake Bridge, and putting the Railway and Bridges into an efficient state of repair, or for extending the railway, and for the purchase of Rolling Stock, and they may issue Debentures and negotiate the same or pay them to the contractors or others employed: such debentures shall not be for a less sum than Two Hundred Dollars, respectively, and shall be payable at such time or times and on such terms as the Directors shall see fit, the whole amount to be issued shall not exceed Four Hundred Thousand Dollars, at any one time, and security may be given by Mortgage or otherwise over the Railway or Rolling Stock, to secure such Debentures: and the Company may from time to time make a Lease or Leases of the said Railway and of the Rolling Stock.

Debentures may be issued for completing the road.

9. The sum of One Hundred Thousand Dollars which has been declared to be the value of the said Railway, part of which sum has already been paid in pursuance to the statute, and the remainder of which is required to be paid into the Court of Chancery, on or before the 18th September, 1869, with interest to the said date, shall be distributed by the said Court in the proportions and according to the priorities following, that is to say, towards payment of the bond-holders rateably, the sum of Twenty-Five Thousand Dollars out of the first payment made, and Forty-Five Thousand Dollars out of the second payment, so to be made, and the residue of the moneys to be paid rateably to the parties claiming for unpaid right of way, and depot grounds, and other registered incumbrances prior to the Mortgage made by the Cobourg and Peterborough Railway Company, on their railway, to Messrs. Proudfoot and Ridout, as Trustees, which was duly registered in the Counties of Northumberland and Peterborough; Provided always, that if the amount due for unpaid right of way, and other registered incumbrances prior to the said Mortgage shall exceed Thirty Thousand Dollars, the excess shall be recoverable against the said Company, after the expiration of the said period; but all other claims and demands whatever against the said Company are declared to be finally extinguished; and, provided further that, if such amount shall be less than the said \$30,000, the sum unclaimed shall be paid back to the Company.

One hundred thousand Dollars paid the Court of Chancery when & how to be dealt with.

10. And be it enacted, That deeds and conveyances under this Act, for lands to be conveyed to the said Company, shall and may, as far as the title to the said lands, or the circumstances of the party making such conveyances will admit, be made in the form given in the schedule to this Act marked A; and all Registrars are hereby required to enter in their registry books such deeds, on the production thereof and proof of execution without any memorial, and to minute every such entry on the said deed; and the said Company are to pay to the said Registrar for so doing, the sum of two shillings and six pence, and no more.

11. And be it enacted, That on the third Wednesday in July, in each year after 1868, at Cobourg, at the office of the Com-

Annual General Meeting Election of Directors, &c. Notice thereof company, there shall be chosen by the Shareholders nine Directors in the manner hereinafter declared; and public notice of such annual election shall be published fifteen days before the election in a Cobourg newspaper; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes, until a choice is made; and if a vacancy shall, at any time, happen among the Directors, by death or resignation, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and that the said nine Directors, with the heads of any municipalities qualified to be represented, *ex-officio*, shall form the Board of Directors.

Quorum of Directors

12. And be it enacted, That five Directors shall form a quorum for the transaction of Business, provided that the Directors may employ one or more of their number as said Director or Directors, and all financial and other statements which are required to be made annually shall be made up to the 30th June of each year, after 1868.

Qualification of Director.

13. And be it enacted, That the persons qualified to be Directors of the said Company under this Act, shall be any Shareholders holding stock to the amount of One Hundred Dollars, who shall have paid up all calls on such stock.

Proportion of votes to shares

14. And be it enacted, That each Shareholder in his own right, shall be entitled to the number of votes in proportion to the number of shares which he shall have in his name, two weeks prior to the time of voting.

Company may unite with other Companies.

15. And be it enacted, That it shall be lawful for the Directors (if authorized by any general meeting of the Shareholders to be called for the purpose) to enter into, and make arrangements with the Directors of any Railway Company, now or hereafter to be chartered in any part of this province, for the union, junction, and amalgamation of the said Company with any other Railway Company, or for the purchase of the Railway of such other Company by mutual agreement with such Company; and the Capital Stock of any Companies so united may become the Capital Stock of the Company formed by their union.

Company may take lands covered with water for their works.

16. And be it enacted, That it shall be lawful for the said Company to take and appropriate for the use of the said Railway, so much of the land covered with the waters of the Otonabee River and Rice Lake, or of any other Lake, and of any stream, or of their respective beds, as may be found necessary for making, completing, or more completely using the same, and thereon to erect any wharfs, quays, inclined planes, cranes and other works, as to the Company shall seem meet.

Company may take land for depot.

17. Provided always, and be it enacted, that the said Company shall have full power and authority to take, without the consent of the owner, but subject to the Provisions of the said Railway Clauses Consolidation Act, such quantity or extent of land for their Depot and other works, at the town of Cobourg, as they may find requisite for the same, not exceeding ten acres, and such quantity or extent of land not exceeding ten acres, as

they may find requisite, for any Depot and works which they may construct at Rice Lake, at the Town of Peterborough, or in the Township of Otonabee, within one mile from the said town, any limitation in the tenth section of the said Act, headed "plans and surveys," to the contrary, notwithstanding, and the limitation in the said section, of the quantity of land to be so taken shall apply only to lands taken by the said Company, at places other than those above mentioned.

18. Shares in the undertaking may be represented by scrip in the form of Schedule B, which shares may be sold and transferred by delivery of the scrip, which must be returned to the Secretary of the Company for cancellation, whose duty it shall be to issue new scrip to the purchaser, and also to the original holder for the balance of any stock unsold by him, which said transfer shall be minuted in a book kept for that purpose. Transfer of Shares.

19. The stock of the Company shall be deemed personal estate, but no shares shall be transferrable until all previous calls thereon have been fully paid in, nor after such shares have been declared forfeited for the non-payment of calls thereon. Stock to be Personal Estate. Transfer of.

20. Any municipal Corporation may, in addition to the power to subscribe for shares in the Capital Stock of the Company, as provided in the 75th Section of the "Railway Act," give any Stocks, Bonuses, Debentures or money in aid of the undertaking, such aid having been first duly submitted to and approved of by the rate-payers in the same manner as is required in subscribing for stock.

21. On, from and after the passing of this Act, all the enactments, Acts and parts of Acts of the late Parliament of Canada relating to or in any way affecting the said Company, shall stand and be repealed, save only that such repeal shall not revise any Act, Provision of law repealed by them, nor shall such repeal prevent the effect of any saving clause in any such Act so repealed, or the application of any such Acts or parts of Acts to any transition, matter or thing anterior to the passing of this Act to which they could otherwise apply.

SCHEDULE A.

Know all Men by these Presents, that I, _____, do hereby, in consideration of _____ paid to me by the Cobourg, Peterboro' and Marmora Railway and Mining Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm into the said Cobourg, Peterboro and Marmora Railway and Mining Company, then successors and assignees for ever, all that certain parcel or track of land, situate _____ the same having been selected and laid out by the said Company for the purpose of their railway, to have and to hold the said land and premises, together with the hereditaments and appurtenances thereto belonging to the said Cobourg, Peterborough and Marmora Railway and Mining Company, then successors and assignees for ever.

Witness my hand and seal this _____ day of _____ one thousand eight hundred and _____

Signed, Sealed and Delivered in presence of _____

CANADA.

NUMBER.

SHARES.

THE COBBOURG, PETERBOROUGH AND MARMORA
RAILWAY AND MINING COMPANY,
INCORPORATED BY ACT OF PARLIAMENT.

This is to certify that _____ entitled to
of Forty Dollars each in the Capital Stock of the Cobourg,
Peterborough and Marmora Railway and Mining Company,
transferable only on the Books of the Company, in person or
by attorney, on surrender of this certificate.

Witness the Seal of the Company and the signature of the Secretary at Cobourg.

Cobourg, Ontario, this day of A. D. 18

[No. 43.]

1st Session, 1st Parliament, 31st Victoria, 1868.

AN ACT

To Consolidate and Amend the various Acts of the Parliament of Canada relating to the Cobourgh, Peterborough and Marmora Railway and Mining Company.

PRIVATE BILL.

Mr. FRAZER.

TORONTO:

PRINTED BY SAMUEL BEATY.

An Act respecting Overholding Tenants.

WHEREAS, it is expedient to provide a less expensive and more expeditious mode of proceeding against tenants overholding wrongfully, than is provided by law: Therefore,

Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. The Act of the late Parliament of Canada, passed in the 27 28, V. c 30, twenty-seventh and twenty-eighth years of Her Majesty's reign, repealed. chapter thirtieth, and intituled "An Act to afford a more expeditious remedy as regards tenants overholding, wrongfully, in Upper Canada," is hereby repealed; provided, always, that all proceedings had, or taken under the said Act, shall not be affected by the repeal of the said Act, but the same may be carried on and finally determined under the provisions of the said Act, as the same might be if the said Act had not been repealed.

2. In case a tenant, after his term, whether created by writing or parol, has expired, or been determined, either by the landlord or the tenant, by a regular notice to quit, wrongfully refuses, upon demand made in writing, to go out of possession of the land demised to him, his landlord, or the agent of his landlord, may apply to the County Judge of the county, or union of counties, in which such land lies, in term or in vacation, and wherever such Judge may then be, setting forth, on affidavit, the terms of the demise, if verbal, and annexing a copy of the instrument creating or containing such demise, if in writing, and also a copy of the demand made for the delivering up of possession, and stating also the refusal of the tenant to go out of possession, and the reason given for such refusal, if any were given, adding such explanation in regard to the ground of such refusal as the truth of the case may require; and this section shall extend, and be construed to apply to terms from week to week, from month to month, and from year to year, as well as to all other terms.

3. If, upon such affidavit, it appears to such County Judge that the tenant wrongfully holds over, without colour of right, such Judge shall appoint a time and place at which he will enquire and determine whether the person complained of was tenant to the complainant for a term which has expired, or has been determined by a regular notice to quit, and whether he does wrongfully refuse to go out of possession, having no right to continue in possession, or how otherwise.

4. Notice in writing of the time and place so appointed by the County Judge for holding such inquiry, shall be, by the landlord, served upon the tenant or left at his place of abode, at least three days before the day so appointed, if the place so appointed be not more than twenty miles from the tenant's place

of abode, and one day in addition for every twenty miles above the first twenty, reckoning any broken number above the first twenty as twenty miles, to which notice shall be annexed a copy of the affidavit on which the appointment was obtained, and of the papers attached thereto.

Proceedings
in default of
appearance.

In case of ap-
pearance.

Proceedings
to form part
of the records
of the Court.

Removable on
certiorari.

Writ of resti-
tution.

Judges of Su-
perior Courts
may make
Rules.

Costs.

Summoning
witnesses.

Landlord not
prevented
from proceed-
ing under the
Ejectment Act
22 V. c. 27.

5. If at the time and place appointed, as aforesaid, the tenant, having been duly notified, as above provided, fails to appear, the County Judge may order a writ to issue to the sheriff, in the Queen's name, commanding him forthwith to place the landlord in possession of the premises in question; but if the tenant appears at such time and place, the county judge shall, in a summary manner, hear the parties, and examine into the matter, and shall administer an oath or affirmation to the witnesses adduced by either party, and shall examine them: and if after such hearing, and examination it appears to the county judge that the case is clearly one coming under the true intent and meaning of the second section of this Act, then he shall order the issue of such writ, as aforesaid, or dismiss the case: and the proceedings, in any such case, shall form part of the records of the County Court: and the said writ may be in the form or to the effect of forms, No. 1 or No. 2, in Schedule A, forming part of this Act, according as the tenant is ordered to pay costs or otherwise.

6. Where any such writ has been issued, either of the Superior Courts of Common Law for the Province of Ontario, may, on motion, before the end of the second term after the issue of such precept, command such county judge to send up the proceedings and evidence in the case to such superior court, certified under his hand and seal, and may examine into the proceedings, and if they find cause may set aside the same, and may, if necessary, order a writ to issue to the sheriff, commanding him to restore the tenant to his possession, in order that the question of right, if any appear, may be tried, as in other cases of ejectment.

7. The judges of the Superior Courts of Common Law, for the Province of Ontario, may, from time to time, make such orders respecting costs, in cases under this Act, as to them may seem just; and the county judge, before whom any such case is brought, may, in his discretion, award costs therein, according to any such order then in force, and if no such order is in force, reasonable costs, in his discretion, to the party entitled thereto: and in case the party complaining is ordered to pay costs, execution may issue out of the county court for such costs as in other cases in the county court, wherein an order is made for the payment of costs.

8. The county judge may cause any person to be summoned as a witness to attend before him in any such case, in like manner as witnesses are summoned in other cases in the county court, and under like penalties for non-attendance, or refusing to answer, or wilfully swearing, or affirming falsely in such case.

9. Nothing herein contained shall prevent any landlord from proceeding under the sixty-third, and ten next following sections of the Act respecting ejectment, chapter twenty-seven of the Consolidated Statutes for Upper Canada, if he thinks

it advisable to proceed under the said sections, or shall in any way affect the powers of any judge or judges of the superior Courts, under the same, or shall prejudice or affect any other right of action or remedy which landlords may possess in any of the cases herein provided for.

10. In the case of tenancies from week to week, and from month to month, a week's notice to quit and a month's notice to quit, respectively, ending with the week or the month, as the case may be, shall be deemed sufficient notice to determine, respectively, a weekly or monthly tenancy. Notice in case of weekly or monthly tenants.

11. The proceedings under this Act shall be entitled in the County Court of the County or union of Counties in which the premises in question are situate, and shall be styled "In the matter of (giving the name of the party complaining) Landlord against (giving the name of the party complained against) Tenant." Proceedings, how entitled.

12. The following is the Schedule A referred to in this Act: Schedule.

FORM No. 1.

ONTARIO, }
TO WIT: }

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

[L. S.]

To the Sheriff of the

Greeting:

Whereas,

Judge of the County Court
of _____ by his order dated the
day of _____ A. D. 186 _____ made in pursuance of the
"Act respecting Overholding Tenants," on the complaint
of _____ against
adjudged that _____ was entitled to the possession of _____

with the appurtenances in your Bailwick, and that a Writ should issue out of our said Court accordingly, and also ordered and directed that the said _____ should pay the cost of the proceedings had under the said Act, which by our said Court have been taxed at the sum of _____

Therefore, we command you, that without delay you cause the said _____ to have possession of the said land and premises, with the appurtenances: And we also command you that of the goods and chattels of the said _____ in your Bailwick, you cause to be made

being the said costs so taxed by our said Court as aforesaid, and have that money in our said Court immediately after the Execution hereof, to be rendered to the said

and in what manner you shall have
executed this Writ make appear to our said Court, immediately
after the execution hereof, and have there then this Writ.

Issued from the Office of the Clerk of
the County Court of the County of
United Counties of
Clerk.

Witness,

Judge of our said Court at
day of

this
A. D. 186 .

Clerk.

FORM No. 2.

ONTARIO,
To Wit: }

Victoria, by the Grace of God of the United Kingdom of
Great Britain and Ireland, Queen, Defender of the Faith.

[L. S.]

To the Sheriff of the

Greeting.

Whereas

Judge of the County

Court of the

day of by his order dated
A. D., 186 made in pursuance
of the "Act respecting overholding Tenants," on the complaint
of against
adjudged that was entitled to the posses-
sion of

And ordered that a writ should issue out of our said Court accord-
ingly: *Therefore, we command you* that without delay you
cause the said to have posses-
sion of the said land and premises with the appurtenances, and
in what manner you shall have executed this Writ make appear
to our said Court, immediately after the execution hereof and
have there then this Writ.

Witness

Court at
of

A. D., 186 .

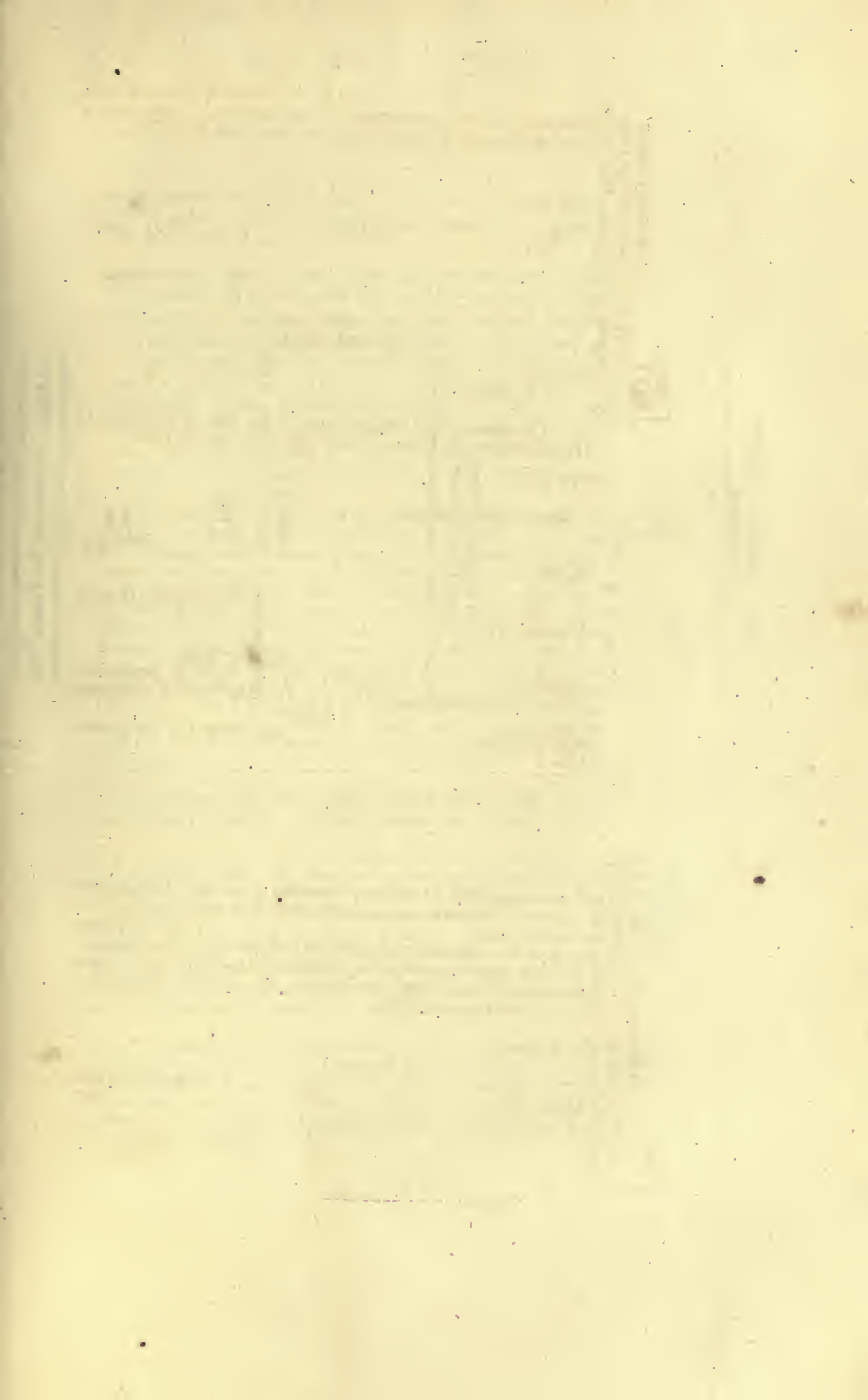
this

Judge of our said
day

Clerk.

Issued from the office of the Clerk of
the County Court of the County of
or United Counties of
Clerk.

13. This Act is a Public Act.



1st Session, 1st Parliament, 21st Victoria, 1868.

BILL.

An Act respecting
Tenants. Overholding

1st Reading, January 22, 1868.
2nd Reading, January 28, 1868.

HON. E. B. WOOD.

TORONTO:
PRINTED BY SAMUEL TAY.

An Act to Repeal chapter one hundred and ten of the Consolidated Statutes of the late Province of Canada, intituled "An Act respecting Inspectors of Public Asylums, Hospitals, the Provincial Penitentiary of Canada, and of all Common Gaols and other Prisons," so far as relates to the Public Asylums, Hospitals, Common Gaols, Reformatory and other Prisons, except the Provincial Penitentiary, in this Province and to the Inspection of such Public Asylums, Hospitals, Common Gaols, Reformatory and other Prisons.

WHEREAS, it is enacted by the British North American Act, 1867, section 92, that the Legislature may make laws relating, amongst other things, for the establishment, maintenance and management of Public and Reformatory Prisons, in and for the Province, and the establishment, maintenance and management of Hospitals, Asylums, Charities and other Eleemosynary Institutions in and for the Province, other than Marine Hospitals: And, whereas, it is expedient to repeal so much of the Statute number one hundred and ten of the Consolidated Statutes of the late Province of Canada, called and known as "The Prison and Asylum Inspection Act," as relates to the Public Asylums, Common Gaols and other prisons, except the Provincial Penitentiary, and the inspection thereof: Therefore,

Preamble.

Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. All and every clause or clauses, provision or provisions of the said Act, Chapter one hundred and ten of the Consolidated Statutes of the late Province of Canada, intituled "An Act respecting Inspectors of Public Asylums, the Provincial Penitentiary of Canada, and of all Common Gaols and other prisons, or in any other Act contained relating to the Public Asylums, Hospitals, Common Gaols, Reformatory and other Prisons in this Province (except the Provincial Penitentiary) and to the inspection thereof, are hereby repealed.

Certain provisions of Chap. 110 of the Consolidated Statutes of Canada repealed.

2. The rules and regulations for the government of such Public Asylums, Hospitals, Common Gaols, Reformatory and other prisons in this Province, in force at the time of the passing of this Act, may from time to time be amended, altered, changed, rescinded or suspended, by order of the Lieutenant-Governor in Council.

Rules and Regulations in force.

1st Session, 1st Parliament, 21st Victoria, 1868.

BILL

An Act to repeal Cap. 110, Con. Stat. of Canada, respecting Prison Inspectors, so far as relates to Public Asylums, Prisons, Hospitals, Reformatories, in Ontario.

1st Reading, January 22, 1868.
2nd " January 24, 1868.

HON. ATTY.-GEN. MACDONALD.

TORONTO:

Printed by Samuel Beatty.

An Act respecting the Interpretation and Construction
of Statutes.

HER Majesty, by and with the advice and consent of the Preamble.
Legislative Assembly of the Province of Ontario, enacts
as follows:

FORM OF ENACTING.

1. The following words may be inserted in the Preambles of Statutes and shall indicate the authority by virtue of which they are passed: "Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:"

2. After the insertion of the words aforesaid, which shall follow the setting forth of the considerations or reasons upon which the law is grounded, and which shall with these considerations or reasons constitute the entire Preamble, the various clauses of the Statute shall follow in a concise and enunciative form.

INTERPRETATION.

3. This section and the fourth, fifth, sixth, seventh and eighth sections of this Act, and each provision thereof, shall extend and apply to every Act passed in the Session held in this thirtieth year of Her Majesty's Reign, and in any future Session of the Legislature of Ontario, except in so far as the provision is inconsistent with the intent and object of such Act, or the interpretation which such provision would give to any word, expression or clause is inconsistent with the context,—and except in so far as any provision thereof is in any such Act declared not applicable thereto;—Nor shall the omission in any Act of a declaration that the "Interpretation Act" shall apply thereto, be construed to prevent its so applying, although such express declaration may be inserted in some other Act or Acts of the same Session.

4. The Clerk of the Legislative Assembly shall endorse on every Act of the Legislature of Ontario, immediately after the title of such Act, the day, month and year when the same was by the Lieutenant-Governor assented to in Her Majesty's name, or reserved by him for the signification of Her Majesty's pleasure thereon,—and in the latter case, the Clerk of the Legislative Assembly shall also endorse thereon the day, month and year when the Lieutenant-Governor has signified either by speech or message to the Legislative Assembly, or by Proclamation, that the same was laid before Her Majesty in Council, and that Her Majesty was pleased to assent to the same;—And such indorsement shall be taken to be a part of such Act, and the date of such Assent or Signification, as the case may be, shall be the date of the commencement of the Act, if no later commencement be therein provided.

Act's may be amended during the session in which it passed. 5. Any Act of the Legislature of Ontario may be amended, altered or repealed by any Act to be passed in the same Session thereof.

How enactments shall be construed. 6. In construing this or any Act of the Legislature of Ontario, unless it be otherwise provided, or there be something in the context or other provisions thereof indicating a different meaning or calling for a different construction :

Application of expressions in present tense. *First.* The Law is to be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same is to be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof according to its spirit, true intent and meaning ;

"Shall" and "may." *Secondly.* The word "shall" is to be construed as imperative, and the word "may" as permissive ;

"Herein." *Thirdly.* Whenever the word "herein" is used in any section of an Act, it is to be understood to relate to the whole Act and not to that section only ;

Interpretation of certain words. 7. Subject to the limitations aforesaid,—in every Act of the Legislature of Ontario, to which this section applies :—

"Her Majesty," &c. *First.* The words "Her Majesty," "the Queen," or "the Crown," shall mean—Her Majesty, Her Heirs and Successors, Sovereigns of the United Kingdom of Great Britain and Ireland ;

"Governor," &c. *Second'y.* The words "Lieutenant-Governor" shall mean—the Lieutenant-Governor for the time being of Ontario, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of Ontario, on behalf and in the name of the Queen by whatever title he is designated.

Governor in Council, &c. *Thirdly.* The words "Lieutenant-Governor in Council," shall mean—the Lieutenant-Governor of Ontario, or person administering the government of Ontario for the time being, acting by and with the advice of the Executive Council for Ontario ;

"United Kingdom," "United States," names of places, &c. *Fourthly.* The words "the United Kingdom," shall mean the United Kingdom of Great Britain and Ireland :—and the words "the United States," shall mean the United States of America : And generally, the name commonly applied to any country, place, body, corporation, society, officer, functionary, person, party, or thing, shall mean such country, place, body, corporation, society, officer, functionary, person, party or thing, although such name be not the formal and extended designation thereof :

Proclamation. *Fifthly.* The word "Proclamation" means a Proclamation under the Great Seal, and the expression "Great Seal" means the Great Seal of Ontario.

Governor acting by Proclamation. *Sixthly.* When the Lieutenant-Governor is authorized to do any act by Proclamation, such Proclamation is to be understood to be a Proclamation issued under an order of the Lieu-

tenant-Governor in Council, but it shall not be necessary that it be mentioned in the Proclamation that it is issued under such order :

Seventhly. The word "County" includes two or more Counties united for purposes to which the enactment relates ; County.

Eighthly. Words importing the singular number or the masculine gender only, shall include more persons, parties or things of the same kind than one, and females as well as males, and the converse :

Ninthly. The word "person," shall include any body corporate or politic, or party, and the heirs, executors, administrators or other legal representatives of such person, to whom the context can apply according to law ; "Person."

Tenthly. The words "writing," "written," or any term of like import, shall include words printed, painted, engraved, lithographed, or otherwise traced or copied : "Writing,"
"written."

Eleventhly. The word "now" or "next," shall be construed as having reference to the time when the Act was presented for the Royal Assent : "Now" or
"next."

Twelfthly. The word "month" shall mean a calendar month : "Month."

Thirteenthly. The word "holiday" shall include Sundays, New Year's Day, Good Friday, and Christmas Day—the days appointed for the celebration of the birth-day of Her Majesty, and of Her Royal Successors—and any day appointed by Proclamation for a General Fast or Thanksgiving : "Holiday."

Fourteenthly. The word "oath" shall be construed as meaning a solemn affirmation whenever the context applies to any person and case by whom and in which a solemn affirmation may be made instead of an oath, and in like cases the word "sworn" shall include the word "affirmed" :—And in every case where an oath or affirmation is directed to be made before any person or officer, such person or officer shall have full power and authority to administer the same and to certify its having been made :—And the wilful making of any false statement in any such oath or affirmation, shall be wilful and corrupt perjury—and the wilful making of any false statement in any declaration required or authorized by any Act, shall be a misdemeanour punishable as wilful and corrupt perjury : "Oath."
"Sworn."
"Affirmed."

Fifteenthly. The word "sureties" shall mean sufficient sureties, and the word "security" shall mean sufficient security, and where these words are used, one person shall be sufficient therefor unless otherwise expressly required. "Sureties."
"Security."

Sixteenthly. The words "Superior Courts" shall denote in the Province of Ontario, the Court of Queen's Bench, the Court of Common Pleas, and the Court of Chancery in the said Province : in the Province of Quebec, the said words shall denote the Court of Queen's Bench and the Superior Court in and for the said Province : and in the Provinces of Nova "Superior
Courts."

Scotia and New Brunswick the said words shall denote the Supreme Court in and for each of the said Provinces respectively.

"Registrar," *Seventeenthly.* The words "Registrar" or "Register" in
"Register." any Act, shall mean and include indifferently Registrars and Registers, and their Deputies, respectively :

Contraven- *Eighteenthly.* Any wilful contravention of any Act, which
tion of Acts. is not made any offence of some other kind, shall be a misdemeanor, and punishable accordingly :

Punishment *Nineteenthly.* Whenever any wilful contravention of any
for contraven- Act is made an offence of any particular kind or name, the
tion. person guilty of such contravention shall, on conviction thereof, be punishable in the manner in which such offence is by law punishable :

Recovery of *Twentiethly.* Whenever any pecuniary penalty or any forfeiture
penalties is imposed for any contravention of any Act,—then, if
when no other no other mode be prescribed for the recovery thereof, such
mode is penalty or forfeiture shall be recoverable with costs by civil
prescribed. action or proceeding at the suit of the Crown only, or of any private party suing as well for the Crown as for himself,—in any form allowed in such case by the law of this Province—before any Court having jurisdiction to the amount of the penalty in cases of simple contract,—upon the evidence of any one credible witness other than the plaintiff or party interested : And if no other provision be made for the appropriation of such penalty or forfeiture, one half thereof shall belong to the Crown, and the other half shall belong to the private plaintiff, if any there be, and if there be none, the whole shall belong to the Crown :

Appropriation *Twenty firstly.* Any duty, penalty or sum of money, or the proceeds of any forfeiture, which is by any Act given to the Crown, shall, if no other provision be made respecting it, form part of the Consolidated Revenue Fund of this Province and be accounted for and otherwise dealt with accordingly ;

When not *Twenty-secondly.* If any sum of the public money be, by
otherwise ap- any Act appropriated for any purpose or directed to be paid
propriated to by the Lieutenant-Governor,—then, if no other provision be
form part of made respecting it, such sum shall be payable under Warrant
Consolidated of the Lieutenant-Governor directed to the Provincial Treasurer, out of the Consolidated Revenue Fund of this Province :
Revenue Fund And all persons entrusted with the expenditure of any such sum or any part thereof shall account for the same in such manner and form, with such vouchers, at such periods and to such Officer, as the Lieutenant-Governor may direct ;

Paying and *Twenty-thirdly.* The word "Magistrate" shall mean a Justice of the Peace ;—the words "two Justices;" shall mean two or more Justices of the Peace, assembled or acting together ;
accounting And if any thing is directed to be done by or before a Magistrate or a Justice of the Peace, or other Public Functionary or Officer, it shall be done by or before one whose jurisdiction or
for moneys powers extend to the place where such thing is to be done :—
appropriated And whenever power is given to any person, officer or
by statute. functionary to do or to enforce the doing of any act or thing,

"Magistrate," *Twenty-thirdly.* The word "Magistrate" shall mean a Justice of the Peace ;—the words "two Justices;" shall mean two or more Justices of the Peace, assembled or acting together ;
"Two Jus- And if any thing is directed to be done by or before a Magistrate or a Justice of the Peace, or other Public Functionary or Officer, it shall be done by or before one whose jurisdiction or
tices." powers extend to the place where such thing is to be done :—
Power to do And whenever power is given to any person, officer or
anything to functionary to do or to enforce the doing of any act or thing,
include all no-

all such powers shall be understood to be also given as are necessary powers for doing necessary to enable such person, officer or functionary to do or enforce the doing of such act or thing ;

Twenty-fourthly. If in any Act, any party is directed to be imprisoned or committed to prison, such imprisonment or committal shall, if no other place be mentioned or provided by law, be in or to the common gaol of the locality in which the order for such imprisonment is made, or if there be no common gaol there, then in or to that common gaol which is nearest to such locality ; and the keeper of any such common gaol shall receive such person, and him safely keep and detain in such common gaol under his custody until discharged in due course of Law, or bailed in cases in which bail may by Law be taken ;

Imprisonment where to be, when no special place is mentioned.

Twenty-fifthly. Words authorizing the appointment of any public officer or functionary, or any deputy, shall include the power of removing him, reappointing him or appointing another in his stead, in the discretion of the authority in whom the power of appointment is vested ;

Words authorizing appointment include power to remove.

Twenty-sixthly. Words directing or empowering a public officer or functionary to do any act or thing, or otherwise applying to him by his Name of Office, shall include his successors in such Office, and his or their lawful Deputy ;

Directions to public officer, to apply to his successors and his Deputy.

Twenty-seventhly. All officers now appointed or hereafter to be appointed by the Lieutenant-Governor, whether by Commission or otherwise, shall remain in office during pleasure only, unless otherwise expressed in their Commissions or appointments.

Appointments by Governor to be during pleasure.

Twenty-eighthly. Words making any association or number of persons a corporation or body politic and corporate, shall vest in such corporation, power to sue and be sued, contract and be contracted with, by their corporate name, to have a common seal, and to alter or change the same at their pleasure, and to have perpetual succession, and power to acquire and hold personal property or moveables for the purposes for which the corporation is constituted, and to alienate the same at pleasure ; and shall also vest in any majority of the members of the Corporation, the power to bind the others by their acts ; and shall exempt the individual members of the Corporation from personal liability for its debts or obligations or acts, provided they do not contravene the provisions of the Act incorporating them ;—But no Corporation shall carry on the business of banking unless when such power is expressly conferred on them by the Act creating such Corporation :

Words constituting a corporation to vest certain powers in it.

Twenty-ninthly. Where forms are prescribed slight deviations therefrom not affecting the substance or calculated to mislead shall not vitiate them.

Deviation from forms.

Thirtiethly. Where power to make by-laws, regulations, rules or orders is conferred, it shall include the power to alter or revoke the same and make others.

Power to make by-laws.

Thirty-firstly. No provision or enactment in any Act, shall affect in any manner or way whatsoever, the rights of Her

Acts not to affect the

Crown, unless specially declared to do so Majesty, Her Heirs or Successors, unless it is expressly stated therein that Her Majesty shall be bound thereby; nor if such Act be of the nature of a private Act, shall it affect the rights of any person or of any body politic, corporate or collegiate, (such only excepted as are therein mentioned or referred to.)

Power to Parliament to repeal or amend any Act. *Thirty-secondly.* Every Act shall be so construed as to reserve to the Legislature the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party, whenever such repeal, amendment, revocation, restriction or modification is deemed by the Legislature to be required for the public good;

Effect of repeal of Act on persons acting under it. *Thirty thirdly.* Where any Act is repealed, wholly or in part, and other provisions substituted, all officers, persons, bodies politic or corporate, acting under the old law, shall continue to act as if appointed under the new law, until others are appointed in their stead: and all proceedings taken under the old law shall be taken up and continued under the new law, when not inconsistent therewith: and all penalties and forfeitures may be recovered and all proceedings had in relation to matters which have happened before the repeal in the same manner as if the law were still in force, pursuing the new provisions as far as they can be adapted to the old law.

As to acts, &c., done before repeal. *Thirty fourthly.* The repeal of an Act at any time shall not affect any act done or any right or right of action existing, accruing, accrued or established or any proceedings commenced in a civil cause, before the time when such repeal shall take effect: but the proceedings in such case shall be conformable when necessary to the repealing Act.

Offences committed and penalties incurred not affected by repeal. *Thirty-fifthly.* No offence committed and no penalty or forfeiture incurred and no proceeding pending under any Act at any time repealed shall be affected by the repeal, except that the proceedings shall be conformable when necessary to the repealing Act, and that where any penalty, forfeiture or punishment shall have been mitigated by any of the provisions of the repealing Act, such provisions shall be extended and applied to any judgment to be pronounced after such repeal.

Rules, &c., made before repeal. *Thirty-Sixthly.* All rules and regulations made under any Act before the repeal thereof shall continue valid until altered or annulled.

Appointments and bonds given before repeal. *Thirty-seventhly.* All appointments and all bonds and securities given by the parties appointed under any Act at any time passed and repealed shall not be affected thereby, but remain in full force, and all offices, establishments, books, papers, and other things made or used under any repealed Act shall continue as before the repeal.

All acts to be deemed Public Acts. *Thirty-eighthly* Every Act shall, unless by express provision it is declared to be a Private Act, be deemed to be a Public Act, and shall be judicially noticed by all Judges, Justices of the Peace, and others, without being specially pleaded:—And all copies of Acts, public or private, printed by the Queen's Printer, shall be evidence of such Acts, and of their contents,

Proof of Acts

and every copy purporting to be printed by the Queen's Printer shall be deemed to be so printed, unless the contrary be shewn:

Thirty-ninthly. The Preamble of every such Act as afore-
said shall be deemed a part thereof intended to assist in ex-
plaining the purport and object of the Act:—And every Act
and every provision or enactment thereof, shall be deemed
remedial, whether its immediate purport be to direct the doing
of any thing which the Legislature deems to be for the public
good or to prevent or punish the doing of any thing which it
deems contrary to the public good,—and shall accordingly
receive such fair, large, and liberal construction and interpre-
tation as will best ensure the attainment of the object of the
Act and of such provision or enactment according to their true
intent, meaning and spirit.

Preamble to
be a part of
Act.

All Acts re-
medial.

Fortiethly. Nothing in this Section shall exclude the appli-
cation to any Act, of any Rule of Construction applicable
thereto, and not inconsistent with this Section.

Applicable
Rules of Con-
struction.

Forty-firstly. The provisions of this Act shall apply to the
construction thereof, and to the words and expressions used
therein.

Provisions
herein to ap-
ply to this
Act.

8. When any act or thing is required to be done by more
than two persons, a majority of them may do it.

Acts to be
done by more
than two.

DISTRIBUTION OF THE PRINTED STATUTES.

9. The Clerk of the Legislative Assembly shall furnish Her
Majesty's Printer with a certified copy of every Act of the
Legislature of Ontario, so soon as the same has received the
Royal Assent, or if the Bill has been reserved, so soon as the
Royal Assent thereto has been proclaimed in this province.

Certified copy
of every Act
to be fur-
nished to
Queen's
Printer.

10. Her Majesty's Printer shall, immediately after the close
of each Session of Parliament, or so soon after as may be
practicable, deliver or transmit by Post, or otherwise, in the
most economical mode, the proper number of printed copies
of the Acts of the Legislature, in the English language (to be
printed by him at the public expense) to the parties hereinafter
mentioned, that is to say;

Printer to
distribute
Printed
copies of
Acts.

To the Members of the Legislative Assembly respectively, Who shall
such numbers of copies each, as may from time to time be
directed by any Resolution of the said House, or in default of
such Resolution, in such numbers as shall be directed by any
order of the Lieutenant-Governor, in Council, and to such
Public Departments, Administrative Bodies and Officers,
throughout the Dominion of Canada, as may be specified in
any order to be for that purpose made from time to time by
the Lieutenant-Governor in Council:

Who shall
receive such
copies.

Provided that when any Bill receives the Royal assent
during and before the termination of any Session of the Legisla-
ture, Her Majesty's Printer, shall, on intimation to that effect
from the Provincial Secretary, cause distribution to be made of
such number of copies thereof, to the same parties, and in like
manner as is hereinbefore provided, in regard to the Acts of any
Session.

As to Bills
assented to
during and
before the end
of the session.

List to be furnished of persons to receive copies.

11. The Provincial Secretary shall, within fifteen days after the close of each Session of the Legislature, transmit to Her Majesty's Printer a list of all the Public Departments, Administrative Bodies and Officers to whom such copies are to be transmitted as aforesaid, and shall also, from time to time as occasion requires, furnish him with copies of all orders in Council made under the provisions of this Act.

If any copies remain, &c

12. If after the distribution of the said printed Acts any copies remain in the hands of Her Majesty's Printer, he may deliver any number thereof to any person by order of the Lieutenant Governor, on notice thereof by the Provincial Secretary, or to the members of the Legislative Assembly, on the order of the Speaker of the said House.

How Statutes shall be printed and bound.

13. The Statutes shall be printed in Royal Octavo Form, on fine paper, in Small Pica Type, thirty-two ems by fifty-five ems, including marginal notes in Minion, such notes referring to the year and chapter of previous Statutes, whenever the text amends, repeals or changes the enactments of former years; and shall be half bound in Cloth with backs of White Sheepskin and lettered; and they shall be arranged for distribution in such manner either by the binding of the Public General Acts, and Acts of a local or private character in separate volumes or by binding them together in the same volumes with separate indexes or otherwise as the Lieutenant Governor in Council may deem expedient.

Classification of Statutes.

Report by Printer as to number of copies distributed.

14. Her Majesty's Printer shall, before the opening of each Session of the Legislature, make a Report in triplicate to the Lieutenant Governor, (to be by him laid before the Legislature within fifteen days after the opening of such Session), shewing the number of copies of the Acts of each Session which have been printed and distributed by him since the last Session, —and the Departments, Administrative Bodies, Officers and persons to whom the same have been distributed, the number of copies delivered to each, and under what authority, and the numbers of copies of the Acts of each Session then remaining in his hands,—and containing also a detailed account of the expenses by him actually incurred in carrying this Act into effect, to the end that provision may be made for defraying the same, after such account has been duly audited and allowed.

And as to expense incurred by him.

Parties obtaining private Acts.

15. The party obtaining an Act of a private or personal character shall furnish, at his own cost, one hundred and fifty printed copies of such Act to the Government of Ontario.

SHORT TITLE.

Short Title.

6. This Act may be cited as "The Interpretation Act."

Discharged

3 Feb 1868

1868

SIR HENRY SMITH 1st sess. 1st Parl. m. 31st. 1868

No. 47.]

BILL.

[1868.

Homestead Exemption.

WHEREAS, it is expedient to ensure a home for families Preamble.
in case of misfortune or of debts improvidently contracted, and to establish by law that Homesteads, to a certain extent, should be exempt from execution from debt and the operation of the Insolvent Law.

Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. That in addition to the personal property now exempt by law from sale or levy under execution, there shall be exempted the lot of land and buildings thereon, occupied as a residence and owned by the debtor, or on any buildings owned by the debtor on land not his own, but of which he shall be in lawful possession by law or otherwise (he being a householder and having a family) to the value of \$750, and no release or waiver of such exemption shall be valid in law unless by deed for good and valuable consideration, and registered according to the Registry laws of this Province in the County where the said homestead may be situate. Exemption of Homestead. To the value of \$750.

2. That such exemption shall continue after the death of such owner or householder for the benefit of the widow (during her widowhood) and family of the deceased party some one of them continuing to occupy such Homestead until the youngest surviving child becomes twenty-one years of age, and until the death of the widow. Continuation thereof.

3. In order to entitle any property to such exemption it shall be set forth in the Deed of conveyance that it is designed to be held as a Homestead under this Act, or if already purchased or held the said design and intention shall be declared by a writing duly signed and sealed, and made by the party claiming the exemption, and which writing shall be registered in the same manner as a deed under the Registry Act of this Province, in the County in which the land shall lie. Deed of Conveyance to set forth such exemption.

4. That no property shall, by virtue of this Act, be exempted from levy for taxes, or for a debt contracted for the purchase thereof or the erections thereon, or for any debt contracted before such deed or writing as aforesaid shall have been registered according to law, nor shall buildings on land not owned by the debtor be exempted from levy and seizure for the ground rent of the lot of land whereon such buildings are situated. Exemption not to affect taxes, &c.

5. That such exemption shall not be deemed to defeat or otherwise to affect the remedy for any debt or liability existing at the time of the passing of this Act. Nor existing remedies.

6. That no conveyance by the husband of any property ex- Conveyance

by the husband and not valid unless the wife joins
 exempted as aforesaid, shall be valid in law unless the wife, if she is then living, joins in the deed of conveyance with her husband.

7. In case any judgment creditor shall require an execution to be levied on property claimed by the debtor to be exempted from levy under this Act, and the Sheriff or other officer holding such execution shall be of opinion that the proceeds are of greater value than \$750, then and in such case two indifferent appraisers shall be appointed by such Sheriff or officer to appraise the premises in the manner hereinafter provided; and if, in their judgment, the premises are of greater value than \$750, and can be divided without injury to the debtor, the said appraisers shall set off to the judgment debtor so much of the said premises, *including the dwelling house*, as shall appear to them to be of the value of \$750, and the residue of the property shall be dealt with as other real estate not exempted by law from levy under execution.

8. That if in the judgment of the appraisers the said property cannot conveniently be so divided, they shall make and deliver to the said Sheriff or officer their appraisal of the value of the said premises, and the said Sheriff or officer shall deliver a copy thereof to the judgment debtor or other lawful occupant of said Homestead.

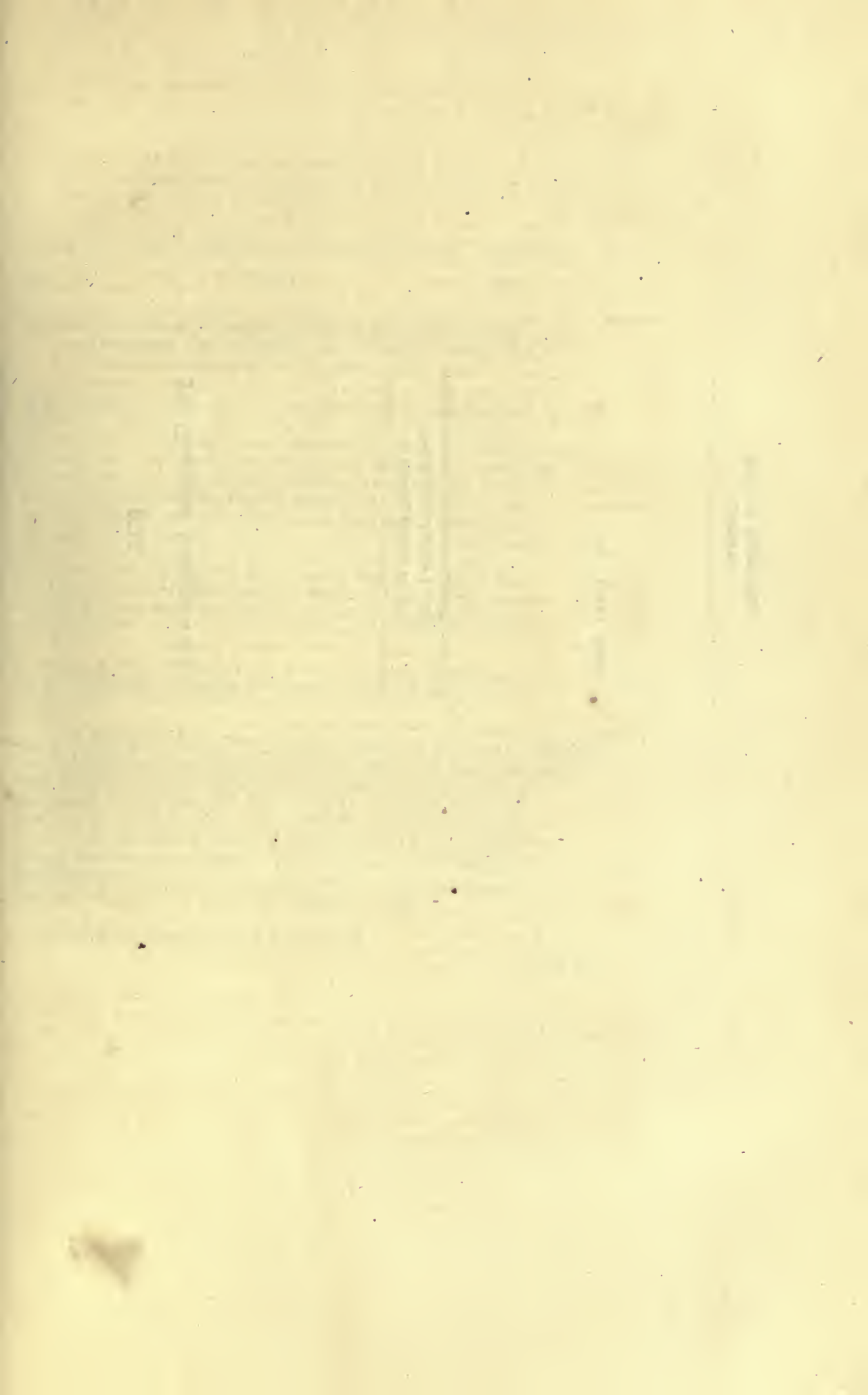
9. That it shall be the right of such debtor or other lawful occupant of the said premises, to pay on such execution the excess of the value of the said premises above the sum of \$750, and to continue to hold the said Homestead as provided by this Act: but in case the judgment debtor shall not make such payment within sixty days, then the judgment creditor may require the premises to be sold by the said Sheriff or officer at public sale, as in other cases of execution against lands and tenements, and out of the proceeds of the said sale the Sheriff shall pay to the execution debtor the sum of \$750, which shall be exempt from seizure, attachment or liability, for one year thereafter, and shall apply the balance only to such execution.

Provided that unless a greater sum than \$750 shall be bid for the said premises the same shall not be sold, and the execution may be returned unsatisfied for want of property to satisfy the same.

10. That the appraisers mentioned in this Act shall be appointed by the Sheriff or officer to whom the process or writ of execution may be directed, and shall be sworn well and truly to appraise the premises, and such appraisal shall be signed by them and delivered to such sheriff or officer.

11. That to the extent of the said sum of \$750 the said Homestead shall be exempted from the operation of the Insolvent Act (1864) of Canada, and the amendments thereto, in so far as the same affects this Province.

12. Provided that the exemption of this Act shall not apply to more than one Homestead in one County, for this Province, at the same time.



BILL.

The Homestead Exemption Act.

1st Reading, January 22, 1868

2nd Reading, January 27, 1868.

SIR HENRY SMITH.

TORONTO:

Printed by Samuel Beatty.

Preamble not proved 13 Feb

No. 48.]

BILL.

[1868.

An Act to confirm a Survey made in the Township of Hamilton, by Edward C. Caddy, under the Statute of Canada, 29 Victoria, Chap. 72.

WHEREAS, under the provisions of an Act of the Parliament of Canada, passed in the 29th year of Her Majesty's reign, entitled, "an Act to establish certain road allowances and highways in the Township of Hamilton, Edward C. Caddy named in the said Act, has ascertained and marked with proper cut stone monuments, the several allowances for Roads in concessions A and B and the first, second and third concessions of the said Township of Hamilton, as also the division lines between the several lots in the said concessions and has duly made reports and maps thereof, one of which has been filed in the office of the Commissioner of Crown Lands, and the other in the Registry Office of the west riding of the County of Northumberland."

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

The several allowances for roads and division lines between lots ascertained and marked by the said Caddy, and shown by his said reports and maps are and shall be taken always to have been the true and unalterable allowances for roads and lines and boundaries of said lots, and the title to the said allowances or lots, or any of them shall not be deemed to be or to have been in any way affected by reason of possession of any part thereof, having been heretofore taken or held or suffered to be taken or held through or in consequence of mistake or ignorance respecting the true position of any such allowances or lines.

This shall be deemed to be a Public Act.

Public Act.

1st Session, 1st Parliament, 31st Victoria, 1867.

BILL.

An Act to confirm a Survey made by
E. C. Oaddy, Township of Hamil-
ton, West Northumberland and

1st Reading, January 23, 1868.

ALEXANDER FRASER,

TORONTO:

Printed by Samuel Beatty.

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No. 50.]

BILL.

3-
20
[1868.]

An act to authorise and regulate the use of Traction Engines on Highways.

WHEREAS it is expedient to encourage the introduction of Traction Engines into this Province, and to regulate their use and operation.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows ;

1. It shall and may be lawful for any person to employ Traction Engines for the conveyance of freight and passengers, or both, over any Public Highway in this Province, subject to the provisions hereinafter contained. Traction Engines on Highways.

2. No Traction Engine, so to be employed, shall exceed in weight twenty tons. Weight.

3. The Speed of any Traction Engine shall at no time exceed the rate of _____ miles per hour. Speed.

4. Before it shall be lawful to run such Engine over any highway whereon no tolls are levied, it shall be the duty of the person proposing to run the same to strengthen, at his own expense, all bridges and culverts to be crossed by such Engine, and to keep the same in repair so long as the highway is so used, provided always that the costs of such repairs are to be borne by different owners of engines in proportion to the number of engines run over such bridges or culverts. Parties running Engines to strengthen bridges, &c. And repair.

5. In case it is found to be necessary for the convenience of running such engines to level by filling up or cutting down any portion of any highway, the expenses shall be borne in the first place by the owner of the engine, and one half of the fair value of such improvement may be recovered in any court of competent jurisdiction from the Municipality wherein the improved portion of the road is situated, in case the same belongs to the Municipality, and where the road does not belong to the Municipality, then from the proper owners thereof. Levelling highways.

6. The width of the driving wheels of all such engines shall be at least eighteen inches, and the wheels of the trucks or waggons drawn thereby, shall be four inches in width for the first two tons capacity, load and weight of truck included, and an additional half inch for each further ton. Width of wheels.

7. The provisions of Chapter 56 of the Consolidated Statutes of Upper Canada, relating to the meeting and passing of vehicles on the public highways, shall be applicable to the running of any Traction Engine upon the highway. Chap. 56 Consol. Stat. U. C. applicable.

8. In case any horse on the Highway becomes restless at the sight of the approaching engine, it shall be the duty of the

- Restive horses. engine-driver to stop the engine and to send a man to assist in getting the horse and vehicle, if any, past the engine, and if the horse cannot be brought past, then it shall be the duty of the person in charge of such horse to go out of the engine's way by turning back and leaving the road at the next crossing or otherwise, and any neglect or refusal so to do shall be at the risk of the owner of such horse or vehicle.
- Lights to be carried after dark. 9. Every engine run after dark shall carry a bright red light in a conspicuous place in front and a white light on the rear of the train.
- Running through a City, Town &c. 10. No engine shall be run through a City, Town or Village unless a messenger be sent at least fifteen minutes and not more than thirty rods in advance, carrying a red flag by day and a bright red light by night.
- When messenger to precede. 11. For the space of three months after the first introduction of a Traction Engine upon any highway, a messenger shall always precede such engine at least forty rods in advance thereof, such messenger shall carry a red flag by day and a bright red light by night.
- Notice before use of toll roads. 12. Before it shall be lawful to run a Traction Engine over any highway upon which a toll is established, it shall be the duty of the person proposing to run the same, to leave a notice in writing, to that effect, with the keeper of any toll-gate on such road, at least two months previous to the running of such Engine, and such notice shall also contain a correct statement of the weight of the heaviest Engine proposed to be used.
- Duties of owners of toll roads. 13. It shall be the duty of the owner or owners of such Toll Roads within two months after the delivery of such notice as aforesaid, to cause all bridges and culverts, upon said road, to be so strengthened, as in the opinion of the County Engineer of the County in which any such bridge or culvert may be situated, shall render the same safe for the constant passing of such Engines.
- Tolls. 14. The owners of such Toll Roads may levy the following tolls: For the passage through every lawful toll-gate the sum of cents for each engine; the sum of cents per ton on the capacity of each truck or waggon when loaded, and the sum of cents per ton on the capacity of each truck or waggon when empty.
- Collection of tolls. 15. It shall be lawful for the owners of any such road to enforce the payment of the aforesaid tolls in the manner provided by law for the collection of the ordinary tolls upon such roads.
- Sec. 1, Chap. 62 Con. Stat. to apply to certain Companies. 16. Section one (1) of the sixty-third (63) Chapter of the Consolidated Statutes of Canada shall apply to Companies established for manufacturing or purchasing Traction Engines, and working the same.
- Penalty for contravening Act. 17. If any person contravenes this Act, and such contravention be duly proved by the oath of one credible witness before any Justice of the Peace, having jurisdiction within the locality where the offence has been committed, the offender shall incur a penalty of not less than dollars, nor more than dollars, in the discretion of such Justice, with costs.

18. If not paid forthwith, the penalty and costs shall be levied by distress and sale of the goods and chattels of the offender under a warrant signed and sealed by the convicting justice, and the overplus, if any, after deducting the penalty and costs and charges of sale shall be returned, on demand, to the owner of such goods and chattels. To be enforced by distress.

19. In default of payment or distress, the offender shall, by warrant signed and sealed, as aforesaid, be imprisoned in the common Gaol for a period of not less than one day nor more than twenty days, at the discretion of the Justice, unless such fine, costs and charges be sooner paid. Or by imprisonment.

20. No such fine or imprisonment shall be a bar to the recovery of damages by the injured party before any competent jurisdiction. re-Not to bar action for damages.

21. Every fine collected under this Act shall be paid to the Chamberlain or Treasurer of the Local Municipality in which the offence was committed, and shall be applied to the general purposes thereof. Application of penalties.

22. Any conviction under this Act may be appealed in the manner provided in the Act respecting appeal in cases of summary convictions. Appeal.

23. This Act shall be deemed a Public Act.

Public Act.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to authorize and regulate the
use of Traction Engines on High-
ways.

First Reading, January 23, 1868.

Mr. CUMBERLAND,
Algoma.

TORONTO:

Printed by Samuel Beatty.

An Act to conform the conveyance by John Saxton Campbell, formerly of the City of Quebec, Merchant, acting by his Attorney, David Ramsay Stewart, to Thomas Eyre, late of the Town of Cobourg, Esquire, of lots numbers twenty-five and twenty-six in the sixth concession of the Township of Hamilton, and to declare that the said conveyance vested in the said Thomas Eyre, all the estate which the said John Saxton Campbell had at the time of his death in the said lands.

WHEREAS, one David Ramsay Stewart, acting as the Attorney of John Saxton Campbell, formerly of the City of Quebec, Merchant, sold to one Thomas Eyre, late of the Town of Cobourg, Esquire, lots numbers twenty-five and twenty-six, in the sixth Concession of the Township of Hamilton, and on the second day of May, in the year of our Lord one thousand eight hundred and fifty-five, acting as such Attorney, in the name and as the act and deed of the said John Saxton Campbell, executed and delivered to the said Thomas Eyre a conveyance in fee simple of the said lands.

Preamble.

Sale of lots 25 and 26, in 6th con. of Hamilton.

And whereas the said John Saxton Campbell had departed his life a few days before the execution of the said conveyance, by reason whereof the said conveyance became of no effect.

Demise of J. S. Campbell before execution of deed.

And whereas it is expedient to confirm the said conveyance, and to declare that the said conveyance vested in the said Thomas Eyre, all the estate which the said John Saxton Campbell had at the time of his death in the said lands.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. That the conveyance of John Saxton Campbell, formerly of the City of Quebec, Merchant, acting by his Attorney, David Ramsay Stewart, to Thomas Eyre, late of the Town of Cobourg, Esquire, bearing date the second day of May, in the year of our Lord one thousand eight hundred and fifty-five, of lots numbers twenty-five and twenty-six, in the sixth concession of the Township of Hamilton, is hereby confirmed, and the said conveyance is hereby declared to have vested in the said Thomas Eyre, his heirs and assigns, all the estate which the said John Saxton Campbell had at the time of his death in the said lands.

Deed of conveyance confirmed.

2. This Act shall be deemed a Public Act.

Public Act

[No. 51.]

1st Session, 1st Parliament, 31st Victoria, 1867.

BILL.

An Act to conform the conveyance
by John Saxon Campbell.

PRIVATE BILL

1st Reading, January 23, 1868.

Mr. BLAKE.

TOKONIU:

Printed by Samuel Beatty.

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" 14 May
" 21 " "

No. 52.]

BILL.

[1868.

An Act to amend the Act entitled "an Act to incorporate the Ottawa City and Passenger Railway Company."

WHEREAS, the Ottawa City Passenger Railway Company, have by their petition represented that, from circumstances beyond their control, they may not be able to complete that portion of the said Railway lying within the limits of the City of Ottawa, within the time limited by the Act incorporating the said Company, and the Company have prayed that the time for the completion of the road may be extended, and also that certain amendments may be made to the Act incorporating the Company.

Preamble.
Petition.
For extension of the time of completion and amendment of Act.

And whereas, it is expedient to grant the prayer of the petitioners.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. That the powers conferred by the hereinbefore recited Act upon the Ottawa City Passenger Railway Company shall include the right of the said Company, to construct any railway, side tracks or switches so as to connect the said railway with the line of railway of the St. Lawrence and Ottawa Railway Company, and to enable an interchange of cars, carriages and vehicles, as hereinafter mentioned, upon the consent thereto of the last mentioned company, and at such place or places upon the line of either of the said companies, and in such manner as may be arranged between the said companies and the said Ottawa City Passenger Railway Company, may enter into arrangements with the St. Lawrence and Ottawa Railway Company, from time to time for the interchange, transport and carriage of all cars, carriages and vehicles, passengers, freight and traffic, of either one of the said companies upon the line of railway of the other of them, and for the regulation and interchange of traffic passing to and from the railways of the said companies, and for the working of the traffic over the said railways, respectively, or for any or either of those objects separately and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the railways, or either of them, or any part thereof in connection therewith for any term not exceeding twenty-one years, provided that nothing herein contained shall authorize the use upon the Ottawa City Passenger Railway of any power other than the power and force of animals.

Power to connect with other lines named.
Apportionment of tolls.
Proviso.

2. The Ottawa City Passenger Railway Company, may carry upon their line of railway, any cars, carriages or vehicles not being the property of the said company, and may enter into arrangements with any companies, person or persons, owning or holding the same for the rates or tolls, to be paid for the carriage of such cars, carriages or vehicles, and for the use of such property.

Power for the City Railway to carry other cars &c. not their property.
Rates or tolls therefor.

By-laws re-
lating thereto. or transport of the same or of the freight or traffic therein con-
tained and carried, and in respect to the rules, to be observed
by such companies, or person or persons owning or holding
the same, and may make by-laws necessary for the carrying of
such arrangement into effect, and the enforcing of such regu-
lations.

Time for com-
pletion of city
Railway ex-
tended. 3. The period of time by the hereinafter recited Act, fixed
for the completion of that portion of the railway lying within
the limits of the City of Ottawa, is hereby extended to the
first day of September, in the year one thousand eight hundred
and sixty-nine.

Certain
clauses of the
Railway Act
to apply. 4. The several clauses of an Act of the Legislature of the
late Province of Canada, known as the "Railway Act," with
respect to the first, second and third clauses thereof, and also the
several clauses of the said Act with respect to "Interpretation,"
"Incorporation," "Powers," "General Meetings," "Directors
and their election and duties," "Shares and their transfer,"
"Shareholders," "Actions for indemnity," "Fines and Penalties
and their prosecution," and penal clauses shall in so far only
as the same are not inconsistent with or repugnant to any of
the provisions of the hereinbefore recited Act, or of this present
Act, be incorporated with this Act and the expression,
"this Act," when used in the hereinbefore recited Act, or in
this present Act, shall be held and understood to include the
clauses incorporated with this present Act, save and except in so
far as they are inconsistent with or varied by any of the pro-
visions of the said hereinbefore recited Act, or of this present
Act.

Public Act. 5. This Act shall be deemed a Public Act.

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No. 55.]

BILL.

5 July
21
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[1868.]

An Act for amending the law of Auctions of Estates.

WHEREAS there is a conflict between the courts of Law and Equity in respect to the validity of sales by auction where a puffer has bid, although no right of bidding on behalf of the seller was reserved, and it is expedient that an end should be put to such conflict: and, whereas, as sales by auction are now conducted, many of such sales are illegal and would not be enforced against an unwilling purchaser, and it is expedient for the safety of both seller and purchaser that such sales should be so conducted as to be binding on both parties: Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. In construing this Act, "auctioneer" shall mean any person selling by public auction, "Land," shall mean any interest in any messuages, lands, tenements, or hereditaments of whatever tenure. "Puffer" shall mean a person appointed to bid on the part of the seller. Construction of particular words.

2. Unless in the particulars or conditions of sale by auction of any land, it is stated that such land will be sold subject to a reserved price, or to a right of the seller to bid, the sale shall be deemed and taken to be without reserve. When sale shall be deemed without reserve.

3. Upon any sale of land by auction, without reserve, it shall not be lawful for the seller to bid or to employ any person to bid at such sale, or for the auctioneer to take, knowingly, any bidding from the seller or from any such person. Seller not to bid at reserved sales.

4. Upon any sale of land by auction, subject to a right of the seller to bid, it shall be lawful for the seller, or any one person on his behalf, to bid at such auction, in such manner as he may think proper. At reserved sales the seller may bid.

5. This Act shall not apply to any sale which has taken place before its passage. Act not retrospective.

[No. 55.]

1st Session, 1st Parliament, 21st Victoria, 1868.

BILL.

An Act to amend the law of Auctions of Estates.

1st Reading, January 24, 1868.

Mr. BLAKE.

TORONTO:

PRINTED BY SAMUEL TTY.

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" 12 Feb
" 14
" " " " " "

No. 56.]

BILL.

[1868

An Act to Incorporate the Royal Niagara Hotel Company.

WHEREAS the Royal Niagara Hotel Company have, by their Petition, represented that Twenty Thousand Dollars of the capital stock of the Company have been subscribed, and Eight Thousand Dollars paid up, and that the works for building their Hotel in the Town of Niagara are now in progress; and in order to extend their powers and their Capital, and enable them to complete their establishment and carry on their business more effectually they desire to have their Company brought under the operation of a special act of Incorporation.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows.

1. Upon and after the passing of this Act the Shareholders in the Royal Niagara Hotel Company, that is to say, Henry Palfard, Donald Robertson, Angus Morrison, Robert Best, George A. Clement, William Kerby, S. H. Follett, T. M. Rowland, John McCornell, H. W. Chrysler, G. J. Miller, John Powell, William Bishop, John R. Munro, Robert Warren, F. M. Whitelaw, P. E. Jones, Alexander Oliver, W. J. Menicelly, Walter A. Dickson, A. Lemon, James Henderson, David S. Kieth, John Kay, Thomas Dick, T. McGarr, Duncan Milloy, A. McMillan, Martin Morrison, J. C. McMillan, John Shannasy, James Michie, William Walton, Charles G. Fortin, James Thornburn, J. W. Phillips, John Duggan, together with such other persons as shall become shareholders in the same after the passing of this Act, shall be and continue to be a body corporate and politic, by and under the name of "The Royal Niagara Hotel Company," and by that name shall be capable of suing and being sued, of contracting and being contracted with, and shall have perpetual succession and a common seal, and they and their successors shall be capable in law of purchasing, having and holding to them and their successors, any real or personal property, which may be necessary for the site and erection of the Hotel and other buildings and pleasure-grounds to be attached to it; and may erect, construct and complete, in the said Town of Niagara, a First-class Public Hotel and other buildings necessary thereto, and maintain and carry on the business of Hotel-keepers in the said buildings, or may lease the same, or the grounds belonging thereto, in whole or in part, for the carrying on of the said business; and all the property and estate, real and personal, belonging to the said Company, situated in the said Town of Niagara, shall immediately after the passing of this Act become vested in the Company incorporated by this Act, and the Company incorporated by this Act shall become and be bound for all debts and liabilities incurred by the said Company, previous to the passing of this Act of Incorporation.

Certain persons incorporated

Corporate name.

Real and personal property of this Company vested in the Company incorporated by this Act.

Capital stock
\$50,000.
Shares \$50
each.

2. The capital stock of the Company shall be the sum of Fifty Thousand Dollars, in shares of fifty dollars each, and the stock of the said Company, already subscribed, shall be taken to be, and shall be entered on the books of the Company incorporated by this Act as stock thereof, and the present holders of such stock, shall have credit thereon for whatever sums may have been paid thereon, and shall only be liable further upon, and to the amount still unpaid at the passing of this Act, upon the said stock by them respectively held in the Company, and the Stock Books of the said Company shall be continued open after the passing of this Act, under such regulations as a majority of the Directors may determine upon, until the full amount of the capital stock is subscribed.

Existing
stock Incorporated.

Proviso.

3. The said capital stock already subscribed in the books of the Company, and the capital stock subscribed after the passing of this Act, shall be payable in such instalments as a majority of the Directors may determine upon: Provided always, that no instalment shall exceed twenty-five per cent. on the capital stock, nor be called for, nor become payable in less than twenty days after notice by a circular addressed to each shareholder, at his or her last known place of residence, and if any shareholder or shareholders shall refuse or neglect to pay such calls, he, she or they shall, at the option of the Company, forfeit such share or shares so subscribed for with the amount previously paid thereon, and such forfeited share or shares may be sold by public auction by the Directors, after such notice as they may direct, and the money arising therefrom applied for the purposes of this Act: Provided always, that if the moneys produced by any such sales shall be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner—and no more shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses: Provided, also, that such purchaser or purchasers shall pay to the said Company the amount of the instalment required over and above the purchase money of the share or shares to be purchased by him, her or them, as aforesaid, immediately after the sale, and before any certificate of the transfer of such sales shall be given.

Recovery of
arrears of In-
stalments if
not paid.

4. If payment of such arrears, interest and expenses be made before any shares, so forfeited and vested in the company, shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture, as if such call had been duly paid; and in all actions and suits for calls, which the Company are hereby authorized to bring and institute, it shall be sufficient to allege that the defendant, being the owner of such shares, is indebted to the Company in such sums as the arrears amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of such shares in said Company, that such calls were, in fact, made, and that notice by circular was given, as directed by this Act, and it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatever.

Directors

5. The stock, property, affairs and concerns of the said Company shall be under the management of a Board of ten Directors, one of whom shall be elected President, and another of

whom shall be elected Vice-President, by and amongst themselves and five Members of such Board, present in person, shall be a quorum thereof, each of which said Directors shall be a shareholder, and possess, in his own right, not less than four shares of the capital stock of the said Company; and the first Directors under this Act, shall be Henry Paffard, William Kerby, Angus Morrison, Donald Robertson, F. M. Whitelaw, George A. Clement, Duncan Milloy, Robert Best, S. H. Follett, and T. M. Rowland—and they shall hold office till the first General Meeting of the shareholders, which shall take place at the said Town of Niagara, on the first day of July, one thousand eight hundred and sixty-eight—and thereafter the Directors shall be elected at a general meeting of the shareholders, to be holden on the first Tuesday in June in each year, at such place, and in such manner, as the majority of the Directors, for the time being, shall direct and appoint; and the election shall be held, and be made, by such of the shareholders as shall attend either in person or by proxy, and such election shall be made by ballot; and if any Director shall die, resign, refuse or become incapable to act, or cease to be a Director from any other cause, the remaining Directors shall if they think proper, elect in his place another shareholder to be a Director, who shall hold office until the next annual meeting.

Names of Directors.

Directors Annual Election

Filling vacant places.

6. In case, at any time, an election of Directors shall not be made on the day herein appointed, the said Company shall not, on that account, be deemed to be dissolved, but it shall, and may be lawful on any other day, to hold, and make an election of Directors in such manner as shall have been regulated by the by-laws, rules and regulations of the said Company.

Provision in case of failure to elect Directors on day appointed.

7. A majority of the Directors shall have full power and authority to make, prescribe and alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the management and disposition of the stock, property, estate and effects of the Corporation and the management of its affairs,—to declare and cause to be paid and distributed to the respective Shareholders any dividend or dividends of profits at such times as they may think proper, or add the same to the paid up portion of the Capital Stock; and also to appoint such officers, clerks, servants and agents, and at such salaries as they may think proper.

Power of Directors

Scale of votes

8. Each Shareholder shall be entitled to one vote for each share held by him or her in the stock of the Company, in his, her, or their own name or names, for at least two months previous to the day of election; and no transfer of any share shall be valid until entered in the books of the Company according to such form as the Directors may from time to time appoint; and until the full amount of the shares subscribed for shall have been paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always that no Shareholder indebted to the Company shall be permitted to make a transfer, or receive a dividend until such debt be paid or secured to be paid, to the satisfaction of the Directors.

Transfer of shares regulated.

Proviso

9. The Company shall have power and authority to make and enter into such deeds, contracts, agreements, or as may be necessary for acquiring lands for the purpose of a site for an

Company may enter into contracts for the purchase of lands, &c.

Contracts to be signed by the President or two directors.

Hotel and conveniences therewith, to be used and for the erection such Hotel, with or without stores or shops, as they may deem desirable, and to furnish the same and generally to do all and whatsoever, may be requisite in and about the premises; and to enter into and execute all such leases and other agreements for leasing and letting the same, as they may think proper or deem most advantageous for the Company; and all deeds, leases, agreements, contracts, and other instruments shall be subscribed by the President, or in case of his absence by two of the Directors and the Secretary.

Power to borrow money and mortgage property and issue debentures.

Provide as to registration of debentures.

10. The said Company may borrow money to the extent of three-fourths of its capital, for the purpose of carrying on its establishment, when at any General or Special Meeting of the Shareholders, called for that purpose, a vote to that effect shall be carried by two-thirds of the votes at the said meeting, recorded personally or by proxy; and as security for moneys so borrowed by the said Company, the said Company may mortgage the whole or any part of its real or personal estate to an amount not exceeding two-thirds of its actual value, and may issue Debentures pledging all the said real and personal estate of the said Company for payment of principal and interest accruing due on the same.—Provided always that the said Debentures are for amounts not less than One Hundred Dollars; and that a certificate, as they are issued, under the seal of the said Company and signature of the President or Secretary, shall be filed in the office for the registration of titles to land in the County of Lincoln, which certificate shall be open to inspection of any person on the payment of twenty-five cents for each inspection.

Limited liability of shareholders.

11. The Shareholders of the said Company shall not as such be held responsible for any act, default, or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the Company, beyond the amount of their respective shares in the Capital Stock thereof.

Chap. 30, 28
Vict. 1866,
Chap. 70, 29
& 30 Vict.

Corporation of the Town of Niagara subscribed \$800 towards the capital stock.

12. And whereas the Corporation of the said Town of Niagara, by and under the provisions of the Statutes of Canada, Chapter Thirty, Twenty-fifth Victoria, and Chapter Seventy, Twenty-ninth and Thirtieth Victoria, recovered from the Corporation of the County of Lincoln the sum of eight thousand dollars; and the said Corporation believing the building of the said Hotel in the said Town of Niagara would add to the prosperity of the said Town, and with the approval of a majority of the ratepayers thereof, did on the sixteenth day of July and on the fifth day of November in the year one thousand eight hundred and sixty-seven, pass two several resolutions in Council agreeing to subscribe the said sum of Eight Thousand Dollars towards the Capital Stock of the said Company, and the said Corporation have in fact subscribed the same, and now are the holders of shares in the Capital Stock of the Company to that amount: As doubts exist as to the said Corporation having the power to apply the said sum of Eight Thousand Dollars in the manner aforesaid, or to hold and possess shares in the Capital Stock of the said Company, or the Company to be incorporated by this Act, it is expedient to remove such doubts:—Therefore the said respective resolutions passed by the said Corporation,

applying the said sum of Eight Thousand Dollars as afore-
 said and the right of the Corporation to hold shares in the
 Capital Stock of the said Company, and of the Company incor-
 porated by this Act to that amount, are hereby legalized
 and declared to be valid, to and for all the intents and purposes
 whatsoever.

Stocks held
 by the Cor-
 poration le-
 galized.

13. So long as the Corporation of the Town of Niagara holds
 shares in the Capital Stock of the Company incorporated by
 this Act to the amount of Eight Thousand Dollars, the Mayor
 of the said Corporation shall be, *ex officio*, one of the Directors
 of the Company incorporated by this Act in addition to the
 number of Directors authorized by this Act, and shall have the
 same rights, powers and duties, as the other Directors of the
 Company.

Mayor of Nia-
 gara to be ex-
 officio Direc-
 tor.

14. This Act shall be deemed a Public Act.

Public Act.

BILL

An Act to Incorporate the Royal
Niagara Hotel Company.

PRIVATE BILL.

1st Reading, January 24, 1868.

HON. MR. RICHARDS,

TORONTO:
Printed by Samuel Eeanty.

No. 57.]

BILL.

[1868.

An Act to Incorporate "The Toronto and Nipissing Railway Company."

Preamble.

WHEREAS it is of the utmost importance to this Province that a Line of Railway communication should be opened from Toronto to Lake Nipissing, in the most direct line. And whereas the opening of such a line from Toronto, through the Counties of York, Ontario and Victoria, to Lake Nipissing would develop not only the present resources of these Counties but open for settlement a most valuable tract of country, now unimproved and waste, and it is, therefore, expedient to grant a charter for the construction of such Railway, as aforesaid. Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. William Gooderham, Thomas C. Chisholm, Matthew Crooks Cameron, Alexander Mortimer Smith, William Ince, James Adamson, George Laidlaw, Joseph Gould, Edward Wheeler, Jeremiah D. Merrick, John Leys, Thomas Clarkson, Thomas Wright, Robert W. Elliott, A. R. McMaster, Henry S. Howland, Laurence Coffee, James E. Smith, Hugh P. Crosby, John Turner, Duncan McCrae, Hon. David Reesor, together with such persons and corporations as shall in pursuance of this Act become Shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the Toronto and Nipissing Railway Company.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments, with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "President and Directors, their election and duties," "Calls," "Shares, and their Transfer," "Municipalities," "Shareholders," "Action for indemnity and fines and penalties and their prosecution," "By-laws," "Notice, &c.," "Working of the Railway," and "General Provisions," shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said Company, and to the Railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof. And the expression "This Act," when used herein shall be understood to include the clauses of the said Railway Act, so incorporated with this Act as aforesaid.

Certain clauses of the Railway Act to apply.

3. The said Company hereby incorporated, and their servants and agents shall have full power, under this Act, to construct a Railway from any point in the City of Toronto to Lake Nipissing, at such point on the same as may seem to the Company best adapted to attain the objects mentioned in the preamble,

Power to construct Railway.

with full power to pass over such portions of the Counties of York, Ontario and Victoria, as may be determined upon and as lie between the points aforesaid, and to carry the said Railway through the Crown Lands lying between the same.

Power to purchase Steam Vessels.

4. The said Company shall further have power to purchase, build, complete, fit out, and charter, sell, or dispose of, work and control and keep in repair one steam vessel, or more, from time to time, to ply on Balsam Lake and Gull River, in connection with the said Railway, and also to make arrangements and agreements with Steamboat proprietors, by chartering or otherwise, to run other vessels on other lakes or rivers within the counties aforesaid and the County of Peterborough.

Gauge of Railway.

5. The Gauge of the said Railway shall not be less than three feet six inches, but shall be in the discretion of the Company.

Conveyances of lands to be in form of Schedule.

6. Conveyances of lands to the said Company for the purpose of this Act may be made in the form set out in the Schedule hereunder written, or to the like effect, and such conveyances shall be received by the several Registrars and be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Provisional Directors.

7. From and after the passing of this Act, the said William Gooderham, Thomas C. Chisholm, Mathew Crooks Cameron, Alexander Mortimer Smith, William Ince, James Adamson, George Laidlaw, Joseph Gould, Edward Wheeler, Jeremiah D. Merrick, John Leys, Thomas Clarkson, Thomas Wright, Robert W. Elliott, A. R. McMaster, Henry S. Howland, Laurence Coffee, James E. Smith, Hugh P. Crosby, John Turner, Duncan McCrae, and Hon. David Reesor, shall be provisional Directors of the said Company.

Vacancies.

8. The said provisional Directors shall have power during their continuance in office, by the vote of the majority of them, to supply the place of any one or more of their number dying or declining to act, out of the persons who shall subscribe for stock of the said Company to the amount at least, of one thousand dollars each.

Provisional Directors, powers, &c.

9. Such provisional Directors shall, excepting so far as is by this Act excepted, have all the powers, rights, privileges and indemnities, and shall be subject to the same restrictions as elected Directors of the said Company would have or be subject to under the provisions of this Act, and in this Act the word "Directors," shall be held to apply as well to each provisional Director as to elected Directors, unless especially restricted to either.

Capital of the Company \$3,000,000 with power to increase.

10. The capital of the Company hereby incorporated shall be three millions of dollars, (with power to increase the same in the manner provided by the Railway Act,) to be divided into thirty thousand shares of one hundred dollars each, and shall be raised by the persons and Corporations who may become shareholders in such Company. And the money so raised shall be applied, in the first place, to the payment and discharge of all fees, ex

penses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized. And all the remainder of such money shall be applied to the making, maintaining and working of the said Railway and the other purposes of this Act and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said Capital Stock, the Municipality of any County, Town, Township, Parish or Village, on the line of such works, may pay out of the general funds of such Municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such Municipality from the Capital Stock of the Company, or be allowed to it in payment of stock.

11. And it shall further be lawful for any Municipality or Municipalities through any part of which or near which the Railway or works of the said Company shall pass or be situated to aid and assist the said Company by loaning, or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing Municipal Bonds to or in aid of the Company, and otherwise, in such manner and to such extent as such Municipalities, or any of them, shall think expedient. Provided always, that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers, as provided in the Railway Act.

12. Whenever any Municipality shall grant a bonus to aid the said Company in the construction and equipping of the said Railway, the debentures therefor shall, within six weeks after the passing of the by-law, authorizing the same, be delivered to three trustees to be named, one by the Government of Ontario, one by the said Company, and one by the Wardens of the Counties of York, Ontario and Victoria, all to be residents of the City of Toronto. Provided, that if the Government of Ontario shall refuse or neglect to name such trustee within months after the passing of this Act, the said Company shall be at liberty to name one in the place of the one to have been named by the said Government; Provided, also, that the said Wardens shall appoint the said Trustee to be named by them by the vote of a majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to each Warden, by mail, at least fourteen days before the day appointed, and if the said Wardens then fail or neglect to name such trustee, the said Company shall be at liberty to name one in the place of the Trustee to have been named by the said Wardens.

13. Any Trustee appointed may be removed, and a new Trustee appointed in his place, at any time by the consent of the Government of Ontario, a majority of the said Wardens and the said Company.

14. The said Trustees shall receive the said Debentures in trust: Firstly, to convert the same into money; Secondly to deposit the amount realised from the sale of the said debentures in some one of the chartered banks having an office in the City of Toronto under the style of the Toronto and Nipissing Railway Municipal Trust Account; and to pay the same out to the said

Company from time to time on the certificate of the Chief Engineer of the said Railway in the form set out in schedule "B" hereto, or to the like effect, to be expended by them *pro rata* on each mile of Railway built between the boundaries of the City of Toronto and Balsam Lake; and the said certificate of the Chief Engineer shall set out the portion of the Railway, to which the money to be paid out is to be applied, the total amount expended on such portion to the date of such certificate, and that the sum so certified does not exceed the *pro rata* amount to be applied on the work done; the said certificate to be attached to the cheques of the said Trustees respectively as they shall be drawn, and the wrongfully granting of any such certificate by such Engineer shall be a misdemeanor, punishable by fine and imprisonment by any Court of competent jurisdiction in the Province of Ontario.

Act of two
Trustees to be
binding.

15. The act of any two such Trustees to be as valid and binding as if the three had agreed.

General meet-
ing when to
be called.

16. As soon as shares to the amount of One Hundred and Fifty Thousand Dollars of the Capital Stock of the said Company shall have been subscribed and ten per cent. thereof paid up *bona fide*, the Directors shall call a general meeting of the subscribers for the said Capital Stock, who shall have so paid up ten per cent. thereof, for the purpose of electing Directors of the said Company.

May be called
by 5 Subscri-
bers in case
of neglect by
Provisional
Directors.

17. In case the Provisional Directors neglect to call such meeting for the space of three months after such amount of the Capital Stock shall have been subscribed and ten per cent. thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per cent., and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of
General meet-
ing.

18. In either case notice of the time and place of holding such general meeting shall be given by publication in one newspaper in the City of Toronto, and in one newspaper in each of the counties through which the said railway is intended to pass, once in each week, for the space of at least one month, and such meeting shall be held in the City of Toronto at such place therein and on such day as may be named by such notice.

Election of
Directors.

19. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per cent. thereof, with such proxies as may be present, shall choose nine persons to be the Directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification.

20. No person shall be qualified to be elected as such Director by the Shareholders, unless he be a Shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon.

Annual meet-
ings.

21. Thereafter the general annual meeting of the Shareholders of the said Company shall be held in such place in the City of Toronto and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least thirty days previously in the

Gazette, and in once or more newspapers published in the counties through which the railway runs.

22. Special general meetings of the Shareholders of the said Company may be held at such places in the City of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company. Special general meetings.
S hares

23. For the purpose of constructing, maintaining and using the said Railway and other works necessary for the proper construction, maintenance and use thereof, the Directors of the said Company may raise, in such manner, by loan or by subscription of stock and issuing of shares, or otherwise, as they may deem expedient, such capital sum as mentioned above, such shares to be issued in sums of one hundred dollars each, as aforesaid. Shares in
Stock \$100
each.

24. The Directors may from time to time execute, issue and deliver such stock, scrip, certificates, bonds, debentures, mortgages or other securities as they may deem expedient for raising the said capital sum for the time being authorized to be raised by the said Company, or for raising any part thereof. Directors may
issue stock &c

25. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed or any such bill of exchange drawn, accepted or endorsed by the President or Vice-President, of the Company and countersigned by the Secretary and Treasurer of the said Company and under the authority of a quorum of the Directors, shall be binding on the said Company. And every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President, or the Secretary and Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted, provided, however, that nothing in this section shall be construed to authorise the said Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank. Company may
become parties
to promissory
notes, &c.

Proviso.

26. All such bonds, debentures, mortgages and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name. Securities
made payable
to bearer.

27. Every subscriber for or holder of one or more shares of the said Capital Stock shall, at any general meeting of the shareholders, be entitled to one vote for every share subscribed for or held by him. Scale of Votes

Five Directors
may act at
any regular
meeting.

28. Any meeting of the Directors of the said Company regularly summoned, at which not less than five Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

10 per cent.
to be paid on
subscription.

29. On the subscription for shares of the said Capital Stock, each subscriber shall pay forthwith to the Directors for the purposes set out in this Act, ten per cent. of the amount subscribed by him, and the said Directors shall deposit the same in some chartered bank to the credit of the said Company.

Future calls.

30. Thereafter calls may be made by the Directors for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per cent of the amount subscribed by each subscriber.

When Com-
pany may
purchase more
land than is
required for
stations, &c.

31. Whenever, for the purpose of procuring sufficient lands for stations or gravel pits or other purposes for constructing, maintaining and using the said Railway, it shall be necessary to purchase more land than is required for such stations or gravel pits, or other purposes; it is enacted that the said Company may purchase, hold, use or enjoy such lands and also the right of way thereto, if the same be separated from their Railway in such manner and for such purposes connected with the constructing, maintenance or use of the said Railway as they may deem expedient, and to sell and convey the same or parts thereof from time to time, as they may deem expedient.

Company to
carry Cord-
wood at
specified rates

32. The said Railway Company shall, at all times, receive and carry cord-wood or any wood for fuel at a rate not to exceed, for dry wood, two and one half cents per mile per cord for all stations exceeding fifty miles, and at a rate not exceeding three cents per cord per mile for all stations under fifty miles in full car loads; and for green wood at the rate of two and a half cents per ton per mile.

Traffic in
Cordwood to
be unrestrain-
ed.

33. The Company shall further at all times, furnish every facility necessary for the free and unrestrained traffic in cord-wood, to as large an extent as in the case of other freight carried over the said Railway.

Miles of Rail-
way to be
completed in
two years.

34. The said Railway shall be commenced and thirty seven miles completed within two years after the passing of this Act, or else the charter shall be forfeited.

Repeal of
inconsistent
laws.

35. All laws of the Province of Ontario inconsistent with this Act are hereby repealed, in so far as this Act is concerned.

Interpretation
Act.

36. The Interpretation Act shall apply to this Act.

SCHEDULE. A.

Know all men by these presents that I (or we,) [*insert also the name of wife or any other person who may be a party*] in consideration of _____ dollars paid to me [*or as the case may be*] by the Toronto and Nipissing Railway Company, the receipt whereof is hereby acknowledged, do grant and convey [and I, the said _____ do grant and release, or do bar my dower in *as the case may be,*] all that certain parcel [*or those certain parcels, as the case may be,*] of land situate [*describe the land*] the same having been selected and laid out by the said Company for the purposes of their Railway, To hold with the appurtenances unto the said The Toronto and Nipissing Railway Company, their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals,*) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered,
in the presence of _____

[L. S.]

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

Toronto and Nipissing Railway Company's Office, }
Engineer's Department, Toronto, 186 }

No. _____

Certificate to be attached to cheques drawn on the Toronto and Nipissing Railway Municipal Trust account in Trustees hands and given under sections _____ of cap. 31st Vict.

I, _____, Chief Engineer for the Toronto and Nipissing Railway, do hereby certify that there has been expended in the construction of Mile No. _____ [the said mileage being numbered consecutively from the boundary of the City of Toronto] the sum of _____ dollars to date, and that the total *pro rata* amount due for the same, from the said Municipal Trust Account, amounts to the sum of _____ dollars, which said sum of _____ dollars is now due and payable as provided under the said Act.

CHIEF ENGINEER.

I No. 57.1

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to incorporate The Toronto
and Nipissing Railway Company.

PRIVATE BILL.

1st Reading, January 24th, 1868.

HON. M. C. CAMERON.

TORONTO:

PRINTED BY SAMUEL BARTY.

An Act to Incorporate the Sisters of L'Hotel Dieu, for the Diocese of Kingston, in the Province of Ontario.

WHEREAS, an Association of Religious Ladies, hath existed for several years in the Diocese of Kingston, in the Province of Ontario, under the name of "The Sisters of L'Hotel Dieu," who have formed an institution for the reception and instruction of Orphans, and the relief of the Poor, the Sick, and other necessitous. And whereas, the said Ladies have by their Petition prayed, that the said Association may be Incorporated, and in consideration of the great benefits which must arise from the said Association, it is expedient to grant their prayer. Be it therefore, enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, and it is hereby, enacted by the authority of the same, as follows:—

1. The Reverend Mother Julia O'Brien, Sister Mary Ann Margaret Hickey, Sister Jane Leahy, Sister Monica Brady, Sister Mary Dubue, Sister Mary Elizabeth Morris, Sister Lucy McDougall, Sister Alice McCaffery, and such other persons as shall under the provisions of this Act, become members of the said Association, shall be, and are hereby declared to be a body Politic, and corporate in Deed and in Name, by the name of "The Sisters of L'Hotel Dieu, for the Diocese of Kingston, in the Province of Ontario," and by that name, shall have perpetual succession and a common seal, and shall have power from time to time, to alter, renew, or change such common seal at their pleasure, and shall by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess, and enjoy, and to have, take, and receive, to them and their successors, to, and for the uses and purposes of the said Corporation, any lands, tenements, and hereditaments, and real and immoveable property, and estate, situate, lying, and being within the City of Kingston, and the Diocese of Kingston, occupied, or hereafter to be occupied by the said Corporation for the purposes thereof, and the same to sell, alienate, mortgage, and dispose of, and to purchase others in their stead for the same purpose, and by the same name, shall, and may be able and capable in Law, to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law and Equity, and places, whatsoever, in as large, ample, and beneficial a manner as any other Body Politic, or Corporate, or as any persons able or capable in Law, may, or can sue and be sued, implead or be impleaded, answer and be answered unto, in any manner whatsoever. and the Mother Superioress and her Council for the time being, shall have power and authority to make and establish such rules, orders, and regulations, not being contrary to this Act, nor to the Laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation, and for the management thereof, and for the admission of members into the said Corporation, and from time to time, to alter, repeal,

Preamble.

Incorporation of certain Ladies.

Corporate named and powers.

Acquire and hold lands.

Sell and dispose of the same.

Make rules and regulations.

and change such rules, orders, and regulations, or any of them, or those of the said Institution, in force at the time of the passing of this Act, and shall and may do, execute, and perform all, and singular other the matters and things relating to the said Corporation, and the management thereof, or which shall or may appertain thereto, subject nevertheless to the rules, regulations, stipulations, and provisions, hereinafter prescribed and established.

Appropriation of rents and revenues

2. Provided always that the rents, revenues, issues, and profits of all property, real or personal, held by the said corporation shall be appropriated and applied solely to the maintenance of the members of the corporation, the construction and repairs of the buildings requisite for the purposes of the said corporation, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Property to be vested in the corporation.

3. All and every the estate and property real or personal belonging to or hereafter to be acquired by the members of the said Association as such, and all debts, claims, and rights whatsoever due to them, in that quality, shall be and are hereby vested in the corporation hereby established, and the rules, orders, and regulations now made, or to be made for the management of the said Association, shall be and continue to be the rules, orders, and regulations of the said corporation until altered or repealed in the manner herein provided.

Members not individually liable for debts &c.

4. Nothing herein contained shall have the effect or be construed to have the effect of rendering all or any of the said several persons hereinbefore mentioned, or all or any of the members of the said corporation, or any person whatsoever individually liable or accountable for or by reason of any debt, contract, or security incurred or entered into for or by reason of the corporation, or for or on account of or in respect of any matter or thing whatsoever relating to the said corporation.

Appointment of officers and servants.

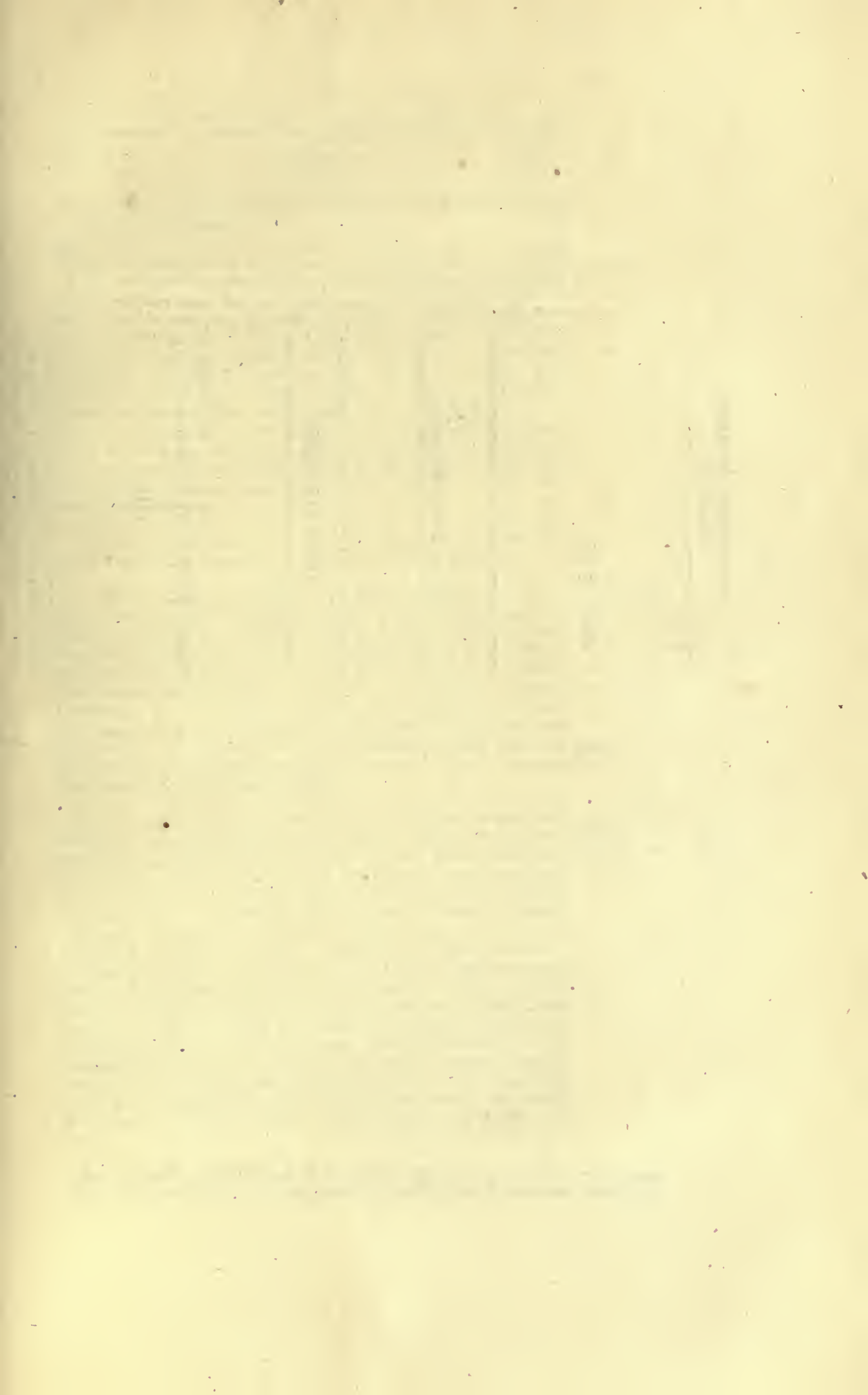
5. The aforesaid mother superioress, and council of the said corporation for the time being shall have power to appoint such attorney or attorneys, administrators or administrators of the property of the corporation, and such officers and nurses and servants of the said corporation as shall be necessary for the well-conducting of the business and affairs thereof, and to allow to them such compensation for their services respectively as shall be reasonable and proper, and all officers so appointed shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said corporation as shall be prescribed by the rules, orders, and regulations of the said corporation.

Account to be laid before Parliament.

6. It shall be the duty of the said corporation to lay before the Legislature of the said Province, within thirty days after the beginning of each session, a detailed statement of the real or immoveable property or estate held by virtue of this act, and of the revenue arising therefrom.

Public Act.

7. This act shall be deemed to be a public act, and the interpretation act shall apply to this act.



1st Session, 1st Parliament, 31st Victoria, 1868.

BILL

To Incorporate the Hotel Dieu,
Kingston.

PRIVATE BILL.

1st Reading, January 27, 1868.
2nd " "
3rd " "

Sir H. SMITH.

TORONTO:
PRINTED BY SAMUEL BEATTY.

An Act to Incorporate the Toronto, Grey and Bruce Railway Company.

WHEREAS, the construction of a Railway from the City of Toronto to the Village of Orangeville, or some point in the vicinity thereof, and thence to Mount Forest or Durham, or some point in the vicinity of either, and thence to the border of the County of Bruce, and thence to some point in the County of Bruce, on Lake Huron, with a branch to another point in the County of Bruce, on Lake Huron, the routes and terminal points in that county to be determined by the County Council of that county, and also from some point in the line above-mentioned, at or east of Mount Forest or Durham, to the Town of Owen Sound, has become necessary for the development of the resources of the Counties of Grey and Bruce, and the country adjacent to and lying between those counties and the City of Toronto. Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :—

1. Henry S. Howland, Arthur R. McMaster, Thomas Scott, Noah Barnhart, Archibald Taylor, R. Patterson, John Gordon, George Laidlaw, James Michie, Thomas Lailey, John Crawford, Thomas Charles Chisholm, James Edward Smith, Wm. Elliott, the Honorable J. McMurich, Frank Smith and C. J. Campbell, Swinarton Sinclair, Adam Crooks and Matthew Crooks Cameron, together with such persons and corporations as shall in pursuance of this Act become shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of the Toronto, Grey and Bruce Railway Company. Incorporation

Name of

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said Company and to the Railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act. Certain clauses of the Railway Act to apply.

3. The said company shall have full power, under this Act, to construct a railway from any point in the City of Toronto to Construction of Railway.

the Village of Orangeville, or some point in the vicinity thereof, and thence to Mount Forest or Durham, or some point in the vicinity of either, and thence to the border of the County of Bruce, and thence to some point in the County of Bruce, on Lake Huron, with a branch to another point in the County of Bruce on Lake Huron, the routes and terminal points in that county to be determined by the County Council of that county. And also from some point at or east of Mount Forest, or Durham, in the line above mentioned, to the Town of Owen Sound, with full power to pass over any portion of the country between the points aforesaid, and to carry the said Railway through the Crown lands lying between the points aforesaid.

County Council of Bruce to decide routes, &c., within three months.

4. The County Council of Bruce shall, within three months after the passing of this Act, decide by resolutions the said routes and terminal points in the County of Bruce, and in case the said County Council fail to pass such resolutions within three months from the passing of this Act, the said routes and terminal points shall be in the discretion of the directors of the said company.

Gauge

5. The gauge of the said railway shall be not less than three feet six inches, but may be made wider in the discretion of the directors of the said company.

Conveyances to the Company to be in the form in schedule.

6 Conveyances of lands to the said company for the purposes of this act may be made in the form set out in the schedule (Schedule A) hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries, and certificates thereof, and certificate endorsed on the duplicate thereof.

Registration fee.

Provisional directors.

7. From and after the passing of this Act, the said Henry S. Howland, Arthur R. McMaster, Thomas Scott, Archibald Taylor, Robert Patterson, John Gordon, George Laidlaw, James Michie, Thomas Lailey, Thomas Charles Chisholm, James Edward Smith, William Elliott, Frank Smith, C. J. Campbell, Honorable John McMurrich, Noah Barnhart, John Crawford, Adam Crooks and Matthew Crooks Cameron, shall be the provisional directors of the said company.

Powers of Directors

8. The said Provisional Directors, until others shall be named, as hereinafter provided, shall constitute the Board of Directors of the Company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be Directors of the Company equally with themselves, to open Stock Books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other Directors, as hereinafter provided, and with all such other powers as, under the Railway Act, are vested in such Boards.

Capital of the Company £3,000,000 with power to increase.

9. The capital of the Company hereby incorporated shall be three millions of dollars, (with power to increase the same in the manner provided by the Railway Act,) to be divided into thirty

thousand shares of one hundred dollars each, and shall be raised by the persons and Corporations who may become shareholders in such Company. And the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized. And all the remainder of such money shall be applied to the making, equipment and completion of the said Railway and the other purposes of this Act and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said Capital Stock, the Municipality of any County, Town, Township, Parish or Village, on the line of such works, may pay out of the general funds of such Municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such Municipality from the Capital Stock of the Company, or be allowed to it in payment of stock.

10. And it shall further be lawful for any Municipality or Municipalities through any part of which or near which the Railway or works of the said Company shall pass or be situated to aid and assist the said Company by loaning, or guaranteeing, or giving money by way of bonus or other means to the Company; or issuing Municipal Bonds to or in aid of the Company, and otherwise, in such manner and to such extent as such Municipalities, or any of them shall think expedient. Provided always, that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers, as provided in the Railway Act.

Municipalities
may aid by
bonus, &c.

11. Whenever any Municipality shall grant a bonus to aid the said Company in the making, equipping and completion, of the said Railway the debentures therefor shall, within six weeks after the passing of the by-law, authorizing the same, be delivered to three trustees to be named, one by the Lieutenant Governor in Council, one by the said Company, and one by the wardens of the Counties of York, Peel, Simcoe, Wellington, Grey and Bruce, all to be residents of the City of Toronto. Provided, that if the Lieutenant Governor in Council shall refuse or neglect to name such trustee within months after the passing of this Act, the said Company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant Governor in Council; Provided, also, that the said Wardens shall appoint the said Trustee to be named by them by the vote of a majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to each Warden, by mail at least fourteen days before the day appointed, and if the said Wardens then fail or neglect to name such trustee, the said Company shall be at liberty to name one in the place of the Trustee to have been named by the said Wardens.

Bonus to be
held by Trustees.

How Trustees
appointed.

12. Any Trustee appointed may be removed, and a new Trustee appointed in his place, at any time by the consent of the Lieutenant Governor in Council, a majority of the said Wardens and the said Company.

How new
Trustees to
be appointed.

13. The said trustees shall receive the said debentures in

trust, firstly, to convert the same into money ; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered Banks having an office in the City of Toronto, under the style of the " Toronto, Grey and Bruce Railway Municipal Trust Account, and to pay the same out to the said company from time to time on the certificate of the Chief Engineer of the said Railway in the form set out in Schedule B, hereto, or to the like effect, setting out the portion of the Railway to which the money to be paid out is to be applied and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road, to be applied on the work so done, and such certificates to be attached to the cheques to be drawn by the said trustees.

Act of two
Trustees to be
binding.

14. The act of any two such Trustees to be as valid and binding as if the three had agreed.

General Meet-
ing when to
be called.

15. As soon as Shares to the amount of One Hundred and Fifty Thousand Dollars of the Capital Stock of the said Company shall have been subscribed, and ten per cent. thereof paid in to some Chartered Bank, having an Office in the City of Toronto, (which shall on no account be withdrawn therefrom unless for the service of the Company), the Directors shall call a General Meeting of the subscribers for the said Capital Stock, who shall have so paid up ten per cent. thereof, for the purpose of electing Directors of the said Company.

May be called
by 5 subscri-
bers in case
of neglect by
Provisional
Directors.

16. In case the Provisional Directors neglect to call such meeting for the space of three months after such amount of the Capital Stock shall have been subscribed and ten per cent. thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per cent., and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Notice of gen-
eral meeting.

17. In either case notice of the time and place of holding such general meeting shall be given by publication in one newspaper in the City of Toronto, and in one newspaper, in each of the counties through which the said railway is intended to pass, once in each week, for the space of at least one month, and such meeting shall be held in the City of Toronto at such place therein and on such day as may be named by such notice.

Election of
Directors.

18. At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per cent. thereof, with such proxies as may be present, shall choose nine persons to be the Directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Qualification.

19. No person shall be qualified to be elected as such Director by the Shareholders, unless he be a Shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon.

20. Thereafter the general annual meeting of the Shareholders of the said Company shall be held in such place in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least thirty days previously in the *Gazette*, and in once or more newspapers published in the counties through which the railway runs.

Annual Meetings.

21. Special general meetings of the Shareholders of the said Company may be held at such places in the City of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company.

Special general meetings Shares.

22. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken, and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, and then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the Company as aforesaid. Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$2,000,000, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital; together with the amount of paid up municipal and other bonuses, and which have been actually expended in surveys and in works of construction upon the line. And provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges, and qualifications for directors, and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Bonds.

Mode of Issue

23. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-President, of the Company, and countersigned by the Secretary and Treasurer of the said Company and under the authority of a quorum of the Directors, shall be bidding on the said Company. And every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President, or the Secretary and Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted, provided, however, that nothing in this section shall be construed to authorise the

Company may become parties to promissory notes, &c.

- Proviso.** said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.
- Securities made payable to bearer.** **24.** All such bonds, debentures, mortgages and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.
- Scale of Votes** **25.** Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share subscribed for or held by him.
- Municipal Corporate Stock to be represented.** **26.** At all meetings of the company, the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law, and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.
- How to Vote.**
- Five Directors may act at any regular meeting.** **27.** Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the power hereby vested in the said directors.
- 10 per cent. to be paid on subscription.** **28.** On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors for the purposes set out in this Act, ten per cent of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company.
- Future calls.** **29.** Thereafter calls may be made by the directors for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per cent of the amount subscribed by each subscriber.
- When Company may purchase more land than is required for stations, &c.** **30.** Whenever, for the purpose of procuring sufficient lands for stations or gravel pits or for constructing, maintaining and using the said Railway, the Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their Railway in, and to sell and convey the same or parts thereof from time to time, as they may deem expedient.
- Company to carry Cordwood at specified rates** **31.** The said Railway Company shall, at all times, receive and carry cordwood or any wood for fuel at a rate not to exceed, for dry wood, two and one half cents per mile per cord for all stations exceeding fifty miles, and at a rate not exceeding three cents per cord per mile for all stations under fifty miles in full car loads; and for green wood at the rate of two and a half cents per ton per mile.
- Traffic in Cordwood to be unrestrained.** **32.** The Company shall further at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in the use of other freight carried over the said Railway.

33. The said Railway shall be commenced within _____ years and completed within _____ years after the passing of this Act, or else the charter shall be forfeited. Miles of Rail-way to be completed in two years.

34. All laws of the Province of Ontario inconsistent with this Act are hereby repealed, in so far as this Act is concerned. Repeal of inconsistent laws.

35. The Interpretation Act shall apply to this Act. Interpretation Act.

SCHEDULE A.

Know all Men by these presents, that I (or we) (*insert also the name of wife or any other person who may be a party*) in consideration of _____ dollars paid to me (*or as the case may be*) by the Toronto, Grey and Bruce Railway Company, the receipt whereof is hereby acknowledged, do grant and convey (and I the said _____ do grant and release, or do bar my dower in *as the case may be*), all that certain parcel (*or those certain parcels as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purposes of their Railway, to hold with the appurtenances unto the said the Toronto, Grey and Bruce Railway Company, their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals*) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered in the presence }
of _____ [L. S.]

SCHEDULE B.

CHIEF ENGINEER'S CERTIFICATE.

The Toronto, Grey & Bruce Railway Company's Office, }
Engineer's Department, A.D., 18 _____

No. _____

Certificate to be attached to Cheques drawn on the Toronto, Grey and Bruce Railway, Municipal Trust Account and given under section _____ of Cap. 31 Vic.

I, _____, Chief Engineer for the Toronto, Grey and Bruce Railway, do hereby certify that there has been expended in the construction of Mile No. _____ (the said mileage being numbered consecutively from the boundary of the City of Toronto) the sum of _____ dollars to date, and that the total *pro rata* amount due for the same, from the said Municipal Trust Account, amounts to the sum of _____ dollars, which said sum of _____ dollars is now due and payable as provided under said Act.

[No. 59.]

1st Session, 1st Parliament, 31st Victoria, 1868

BILL

An Act to Incorporate the Toronto,
Grey, and Bruce Railway Com-
pany.

PRIVATE BILL.

1st Reading, January 27, 1868.
2nd Reading, 1868.

HON. M. C. CAMERON.

TORONTO:

PRINTED BY SAMUEL BEATTY.

No. 60.]

BILL.

[1868.

An Act to abolish the Heir and Devisee Commission.

WHEREAS, it is expedient to abolish the Heir and Devisee Commission.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. That chapter eighty of the Consolidated Statutes for the former Province of Upper Canada, intituled "An Act respecting claims to lands in Upper Canada, for which no Patents have issued," be, and the same is hereby repealed. C. 80 of U.C., Consolidated Statutes repealed.

2. In any case, the right or claim of any one to a Grant or Patent of land, if a question or matter of law, whether in the construction of a document or otherwise, shall arise, which in the opinion of the Commissioner of Crown Lands, should be determined by a Court or Judge, The Commissioner under an order in Council to be obtained for that purpose, may submit such question or matter of Law in the form of a special case in the name of the Attorney-General, to the judgment of either of the Superior Courts of Common law, or to the Court of Chancery, or to any of the Judges of any of the said Courts. Proceedure, by special case, to a Superior Court, in the name of the Attorney-General.

3. The Commissioner shall at the same time notify the parties interested in the matter, that he has so transmitted the case, and he shall direct the parties to bring the same before the Court or Judge, to whichever the same has been sent. Parties to be notified.

4. The parties interested shall thereupon proceed with, and in the said case in all respects, as if the same were a proceeding pending in the Court, to which it shall be sent, or as if it were a proceeding pending in the Court to which the Judge shall belong, who disposes of the case. Proceedings thereon.

5. The Court or Judge shall give such judgment on the case as such Court or Judge shall think proper, and shall transmit the case and judgment to the Commissioner of Crown Lands, with an opinion as to the manner in which the costs of the proceeding should be paid, and the Commissioner may make such order as to costs, as to him shall seem fit. Court or Judge may give judgment.

6. In case the Commissioner shall direct that, either of the parties shall pay costs, one to the other, or to the Crown, or that they both shall pay costs to the Crown, he shall certify the same accordingly—whereupon, a taxation of costs in like manner, and according to the scale of costs taxable by such Court, shall be had in the Court which disposed of the case—or to which the Judge who disposed of the case shall belong, and upon a Rule or Order being granted for the payment of the amount taxed, and a refusal to pay the same being shown, Costs.

a fieri facias or execution may be directed to be issued to enforce payment thereof, in like manner, as in those cases of Pending proceedings. costs directed to be paid by Rule or Order.

7. Pending proceedings may be disposed of by any two Members of the present Commission, as if the said Act had not been repealed, and their decision shall have the same effect as if it had been given by three Members of the Commission under the former law.

[No. 60.]

1st Session, 1st Parliament, 31st Victoria, 1868.

A BILL

Intituted An Act to abolish the Heir
and Devisee Commission.

1st Reading, January 27th, 1868.
2nd Reading, 1868.
3rd Reading, 1868.

ATTORNEY-GENERAL MACDONALD.

TORONTO:

Printed by Samuel Beatty.

2
3
" " " " " "
No. 61.]

BILL.

[1868.]

An Act to amend the Common Law Procedure Act.

WHEREAS, it is desirable to amend the Common Law Procedure Act, therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The three hundred and twenty-fourth Section of the Common Law Procedure Act is hereby repealed, and the following Section shall be substituted for and stand in lieu thereof. Sec. 324, Com. Law Procedure Act repealed.

"If the Plaintiff in any action of trespass or trespass on the case, recovers by the verdict of a Jury, less damages than eight dollars, such plaintiff shall not be entitled to recover in respect of such verdict any costs whatever, whether the verdict be given on an issue tried, or judgment has passed by default, unless the Judge or presiding officer before whom such verdict is obtained, immediately afterwards, or at any future time to which he may postpone the consideration of the matter, certifies on the back of the Record, in the form hereinafter prescribed, to entitle the plaintiff to full costs; but in case such certificate be not granted then, the defendant in such action shall be entitled to set off his costs against such verdict and recover judgment and issue execution against the plaintiff for the balance of such costs as between Attorney and client, unless the said Judge or presiding officer shall certify as hereinafter provided upon the Record, in manner aforesaid, that the defendant is not entitled to recover his costs in the cause against the plaintiff." In Trespass or Case, plaintiff obtaining verdict for less than eight dollars, not entitled to costs, unless Judge certify, but defendant to tax his costs against plaintiff, unless Judge certifies to deprive defendant of such costs.

2. The three hundred and twenty-eighth section of the Common Law Procedure Act is hereby repealed, and the following section shall stand in the place thereof. Sec. 328, Com. Law Procedure Act repealed.

"In case a suit of the proper competence of a County Court be brought in either of the Superior Courts of the Common Law, or in case a suit of the proper competence of a Division Court be brought in either of such Superior Courts, or in a County Court, the costs shall be taxed in the manner following: Clause substituted; in certain specified cases; costs to be taxed as follows.

"1. In case the Judge, who presides at the trial of the cause, certifies in open Court, immediately after the verdict has been rendered, or at any future time to which he may then postpone the consideration of granting or refusing the certificate, that it is a fit cause to be withdrawn from the County Court or Division Court, as the case may be, and brought in the Superior Court or a County Court, as the case may be, the plaintiff shall recover his costs of suit according to the practice of the Court in which the action is brought, in like manner, and subject to the like deduction or set off, for costs of the issues upon which the defendant may have succeeded, as he would have done and would have been subject to in case his suit had been of the proper competence of the Court in which the action is brought. If action of proper competence of County Court be brought in Superior Court, Judge may certify to give plaintiff full costs.

Action of proper
competence of
County Court
brought in Super-
ior Court, Judge
may certify to
give plaintiff full
County Court
costs.

" 2. In case the Judge, who presides at the trial of the cause, certifies at the time aforesaid that the plaintiff had reasonable ground for believing he had the right of withdrawing his cause from the County Court, or Division Court, as the case may be, and bringing it in the Superior Court, or a County Court, as the case may be, and that the defendant, without just reason, defended the same, the plaintiff shall recover his costs of suit according to the practice of the Court in which the action should have been brought in like manner, and subject to the like deduction or set-off for costs of issues upon which the defendant may have succeeded, as he would have done and would have been subject to in case he had brought his action in such inferior court.

If no certificate,
plaintiff entitled
only to County
or Division Ct.
costs, against
which defendant
may set off his
costs and have
judgment, etc.,
for excess.

" 3. In case the Judge, who presides at the trial, shall not certify as aforesaid, the plaintiff shall recover only County Court costs, or Division Court costs, as the case may be, and the defendant shall be entitled to tax his costs of suit as between attorney and client, and to much thereof as exceeds the taxable costs of defence which would have been incurred in the County Court or Division Court, shall, in entering judgment, be set off and allowed by the taxing officer against the plaintiff's County Court or Division Court costs to be taxed, or against the costs to be taxed, and the amount of the verdict if it be necessary, and if the amount of the costs so set off exceeds the amount of the plaintiff's verdict and taxed costs, the defendant shall be entitled to to execution for the excess against the plaintiff."

Form of certifi-
cates:

3. The Certificates may be as follows :

" I certify to entitle the plaintiff to full costs."

" Or,"

" I certify to prevent the defendant deducting costs."

" Or,"

" I certify to entitle the plaintiff to County or Division Court costs."

Sec. 271, Com.
Law Procedure
Act repealed.

4. The two hundred and seventy-first section of the said Common Law Procedure Act is repealed, and the following clause substituted therefor :—

In what cases
Sheriff entitled
to poundage.

" 1. In case a part only be made by the Sheriff on, or by force of any execution against goods and chattels, the Sheriff shall be entitled, besides his fees and expenses of execution, to poundage only upon the amount so made by him, whatever be the sum endorsed upon the Writ, and in case the personal estate, except chattels real, of the defendant or defendants be seized or advertised on, or under an execution, but not sold by reason of satisfaction having been otherwise obtained, or from some other cause, and no money be actually made by the Sheriff on, or by force of such execution, the Sheriff shall be entitled to the fees and expenses of execution and poundage only on the value of the property seized, not exceeding the amount endorsed on the Writ or such less sum as a Judge of the Court out of which the Writ

“issued may deem reasonable under the circumstances of the case:

“Provided, also, in cases of Writs of execution upon the same judgment to several Counties wherein the personal estate of the judgment debtor or debtors, has been seized or advertised, but not sold by reason of satisfaction having been obtained under or by virtue of a Writ in some other County, and no money has been actually made on such execution, the Sheriff shall not be entitled to poundage, but to mileage and fees only for the services actually rendered and performed by him, and the Court out of which the Writ issued or any Judge thereof, may allow him a reasonable charge for such services, in case no special fee therefor be assigned on any table of costs.”

Proviso for the case of concurrent writs to several Counties.

2. In case where any person liable on any execution shall be dissatisfied as to the amount of poundage fees and expenses of execution that any Sheriff may be entitled to under the tariff of fees and allowances now in force, or under this Act, he may apply to the Court out of which such writ issued, or to any Judge thereof, and if, upon a statement of the whole facts, the said Court or Judge, after notice to the Sheriff, is of opinion that such amount is more than reasonable, notwithstanding it may be according to the tariff, the same shall be reduced upon such terms as the Court or Judge may think fit to impose.

If party dissatisfied, he may apply to the Court, who may reduce the amount.

BILL.

An Act to amend the Common Law
Procedure Act

AS AMENDED.

1st Reading, January 28, 1868.

2nd Reading, January 28, 1868.

The Hon. Attorney-General MACDONALD.

TORONTO:

Printed by Robertson & Cook.

No. 62.]

BILL.

[1868.

An Act to remove doubts as to the authority of certain Commissioners to take affidavits and Bail.

WHEREAS, it is expedient to remove doubts, respecting the authority of Commissioners appointed under the provisions of chapter thirty-nine of the Consolidated Statutes of Upper Canada, section one, for a union of Counties within this province, to continue to act as such commissioners and to take and receive affidavits, affirmations and bail, in and for the Junior County, after its separation from such Union of Counties.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts and declares as follows:

1. All commissioners appointed under the said act, for any Union of Counties, and resident within the Junior County at the time of the separation thereof from such union, has had since such separation, and still have and may exercise the same powers within such Junior County, to take and receive affidavits, affirmations and bail, as if they had received their commissions or appointments, respectively for such junior county subsequent to the separation of such union of counties, anything in any law a statute to the contrary notwithstanding.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to remove doubts as to the
Authority of certain Commissioners
to take Affidavits and Bail.

1st Reading,	January 27th, 1868.
2nd	" " 1868.

Mr. MATCHETT.

TORONTO :
Printed by Samuel Beatty.

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No. 63.]

BILL.

[1868.

An Act to secure Free Grants and Homesteads to actual Settlers on the Public Lands.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act shall be called and known as "The Free Grants and Homestead Act of 1868," and may be so cited or designated in all Acts or proceedings whatsoever. Short title of Act.

2. The Statute of the Parliament of the late Province of Canada, passed in the twenty-third year of Her Majesty's Reign, entitled "An Act respecting the Sale and Management of the Public Lands," may be cited and designated in all Acts and proceedings as "The Public Lands Act of 1860," and is the Act hereinafter so designated. Short title of Land Act of 1860.

3. The thirteenth Section of "The Public Lands Act of 1860" is hereby repealed, except that Patents may issue for all lands heretofore located as free grants under that Section, as if this Act had not been passed. Section 13 of Land Act of 1860 repealed.

4. The Lieutenant-Governor in Council may appropriate any Public Lands considered suitable for settlement and cultivation, and not being Mineral Lands or Pine Timber Lands, as Free Grants to actual Settlers, under such regulations as shall from time to time be made by Order in Council, not inconsistent with the provisions of this Act. Free Grants may be made to actual Settlers.

5. Such grants or appropriations shall be confined to lands surveyed or hereafter to be surveyed, situate within the tract or territory composed of the Districts of Algoma and Nipissing, and of the lands lying between the Ottawa River and the Georgian Bay, to the west of a line drawn from a point opposite the south-east angle of the Township of Palmerston north-westerly along the western boundaries of the Townships of North Sherbrooke, Lavant, Blithfield, Admaston, Bromley, Stafford and Pembroke to the Ottawa River, and to the north of the rear or northerly boundaries of the Townships of Oso, Olden, Kennebec, Kaladar, Elzevir, Madoc, Marmora, Belmont, Dummer, Smith, Ennismore, Somerville, Laxton, Carden, Rama, and of the River Severn. Such Grants to be confined to lands within certain territory.

6. The person to whom any land may be allotted or assigned under such regulations for a free grant thereof, shall be considered as located for said land within the meaning of this Act, and is hereinafter called the Locatee thereof. Location defined.

7. No person shall be located for any land under this Act or said regulations unless such person shall be of the age of eighteen years or upwards, nor shall any person be so located for any greater quantity than one hundred acres. Who may be located, and for what quantity of land.

Affidavit to be made by party desiring location.

8. Before any person shall be located for any land as aforesaid, such person shall make affidavit to be deposited with the Agent authorized to make such location, that he or she has not been located for any land under this Act or under said regulations, and that he or she is of the age of eighteen years or upwards, and believes the land for which he or she applies or desires to be located, is suited for settlement and cultivation, and is not valuable chiefly for its mines minerals or pine timber, and that such location is desired for his or her benefit and for the purpose of actual settlement and cultivation of such land, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever, nor for the purpose of obtaining, possessing or disposing of any of the pine trees growing or being on the said land, or any benefit or advantage therefrom, or any gold, silver, copper, lead, iron, or other mines or minerals, or any quarry or bed of stone, marble or gypsum thereon.

Patent not to issue before expiration of five years.

Settlement duties required.

9. No patent shall issue for any land located under this Act or under said regulations until the expiration of five years from the date of such location, nor unless nor until the Locatee or those claiming under him or her or some of them shall have performed the following settlement duties, that is to say, shall have cleared and have under cultivation at least fifteen acres of the said land, whereof at least two acres shall be cleared and cultivated annually during the five years next after the date of the location, to be computed from such date, and have built a house thereon fit for habitation at least sixteen feet by twenty feet, and shall have actually and continuously resided upon and cultivated the said land for the term of five years next succeeding the date of such location, and from thence up to the issue of the Patent, except that the Locatee shall be allowed one month from the date of the location to enter upon and occupy the land, and that absence from the said land for in all not more than six months during any one year, (to be computed from the date of the location) shall not be held to be a cessation of such residence, provided such land be cultivated as aforesaid.

Location to be forfeited if settlement duties not performed.

On failure, in performance of the settlement duties aforesaid, the location shall be forfeited, and all right of the Locatee, or of any one claiming under him or her in the land, shall cease.

Timber, Minerals, &c., reserved.

Locatee may use timber for building and fencing, &c., on the land.

May also cut and dispose of timber within limits of actual clearing.

Timber cut to be subject to dues.

10. All Pine trees growing or being upon any land so located, and all gold, silver, copper, lead, iron, or other mines or minerals, or any quarry or bed of stone, marble, or gypsum thereon, shall be considered as reserved from said location, and shall be the property of Her Majesty, except that the Locatee or those claiming under him or her, may cut and use such trees as may be necessary for the purpose of building, fencing, and fuel, on the land so located, and may also cut and dispose of all trees required to be removed, in actually clearing said land for cultivations but no pine trees (except for necessary building, fencing, and fuel as aforesaid,) shall be cut beyond the limit of such actual clearing before the issuing of the Patent, and all pine trees so cut and disposed of (except for the necessary building, fencing, and fuel as aforesaid), shall be subject to the payment of the same dues, as are at the time payable by the holders of licenses to cut timber or saw logs. All trees and quarries or beds of stone, remaining on the land at the time the Patent issues, shall pass to the Patentee.

11. On the death of the Locatee, whether, before or after the issue of the Patent for any land so located, all his then right and interest in and to such land shall descend to and become vested in his widow during her widowhood in lieu of dower, in case there be such widow surviving such Locatee, but such widow may elect, to have her dower in such land in lieu of the provision aforesaid.

On death of Locatee widow to have of estate during her widowhood. Widow may elect to have her dower.

12. Neither, the Locatee, nor anyone claiming under him or her, shall have power to alienate, (otherwise than by devise) or to mortgage or pledge any land located as aforesaid, or any right or interest therein before the issue of the Patent.

Land not to be alienated, &c., before issue of Patent.

13. No alienation (otherwise than by devise), and no mortgage or pledge of such land, or of any right or interest therein by the Locatee after the issue of the Patent, and within twenty years from the date of such location, and during the life-time of the wife of such Locatee, shall be valid or of any effect, unless, the same be by Deed, in which she shall be one of the grantors with her husband, nor unless such Deed is executed by her in the same presence, and there are the same examination and certificate and at the same time, as shall be at the date of such deed required by Law in the case of married women conveying their real estate.

After issue of Patent, alienation, &c., when to be by deed of Locatee and wife jointly.

14. No land located as aforesaid, nor any interest therein shall in any event be or become liable to the satisfaction of any debt or liability contracted or incurred by the Locatee, his widow, heirs, or assigns, before the issuing of the Patent for such land: After the issuing of the Patent for any such land, and while such land or any part thereof or any interest therein is owned by the locatee or his widow, heirs, or devisees, such land, part or interest, shall during twenty years next after the date of such location be exempt from attachment, levy under execution or sale for payment of debts, and shall not be or become liable to the satisfaction of any debt or liability contracted or incurred before or during that period, save and except any debt secured by a valid mortgage or pledge on such land made subsequently to the issuing of the Patent therefor.

Exemption from liability for debt before issue of Patent.

Exemption after issue of Patent.

15. Nothing in this Act shall be construed to, exempt any land from levy or sale for rates or taxes, now or hereafter legally imposed.

Exemption not to extend to taxes.

16. Every patent to be issued for any land located as aforesaid shall state in the body thereof, the name of the original Locatee of the said land, and the date of the said location, and that the said Patent is issued under the authority of this Act.

Patents to state, date of location, &c.

17. This Act shall be taken and read as part of "The Public Lands Act of 1860."

This Act to be taken as part of 23 Vic., Cap. 2.

1st Session, 1st Parliament, 31st Victoria, 1867.

BILL.

An Act to secure Free Grants and
Homesteads to Actual Settlers on
the Public Lands.

1st Reading, January 28, 1868.

2nd Reading, January 31, 1868.

HON. MR. RICHARDS.

TORONTO:

PRINTED BY SAMUEL BEATTY

An Act respecting Registrars, Registry Offices, and the
Registration of Instruments relating to Lands, in
Ontario.

HER Majesty, by and with the advice and consent of the
Legislative Assembly of Ontario, enacts as follows: Preamble.

1. In the construction of this Act the word "Instrument" shall include every deed, conveyance, mortgage, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, bond, release, discharge, letter of attorney, will, probate of will, grant of administration with the will annexed, municipal road by-law, certificate of proceedings, decree of foreclosure, and every other certificate or decree of the Court of Chancery or of any other Court on its equity side, affecting any interest in or title to land, also, every Sheriff's deed of lands sold by virtue of his office, and every contract in writing, —and every Commission and proceeding in Lunacy, Bankruptcy and Insolvency,—and every other instrument whereby lands or real estate in Ontario may be transferred, disposed of, charged, encumbered, or affected; the word "Land" shall include lands, tenements, hereditaments, appurtenances and real estate; the word "Will" shall include probate of will and exemplification, or notarial copies of probate of will and letters of administration with the will annexed, and any devise whereby lands are disposed of or affected; the word "County" shall include a union of counties, a city, junior county and any part of a county or counties set apart for judicial or registration purposes; the word "Treasurer" shall include Chamberlain of any Municipal Council. Interpretation
clause.
"Instrument"
"Land."
"Will."
"County."
"Treasurer."

2. All Acts inconsistent herewith are hereby repealed; Provided, always, that all registrations, official acts, records, matters and things done in pursuance of any or either of the said repealed Acts, shall, where they are valid and effectual at the time of the passing of this Act, remain and continue to be valid and effectual to all intents and purposes. Inconsistent
Acts repealed,
saving clause
as to things
done.

REGISTRY OFFICES.

3. There shall be a separate Registry Office in every riding, county, union of counties and city in Ontario wherein at present a separate Registry Office is established; and whenever any county is separated for judicial purposes from a union of counties, or a new county is formed and set apart for judicial purposes, there shall be a separate Registry Office established therein, by the Lieutenant-Governor in Council, which office shall be kept in the county town in like manner as in other county towns. In and for what
places there
shall be Regis-
try Offices.

New counties
or separation of
counties.

4. Whenever in any county or riding, the Registry Office appears to the Lieutenant-Governor in Council to be inconveniently situated, he may, by Proclamation, order the same to be removed to any other place in the county or riding. Registry Office
may be remov-
ed.

County Councils to provide fire-proof offices and vaults.

5. For the safe-keeping and protection of all books, memorials, duplicates and other instruments of whatever description, and plans, belonging to the office of Registrar, the council of each and every county where, when this Act takes effect, or at any time thereafter, there are no safe and proper fire-proof offices and vaults provided by such council, or where thereafter any Registry Office may be established, shall provide, furnish and maintain, and keep in good repair, a safe and a fire-proof registry office, fire-proof vaulted, upon a plan and on a site to be approved of by the Lieutenant-Governor in Council, and shall thereafter keep the same furnished with fuel and furniture and in good repair, and towns separated from counties, for municipal purposes, and cities, on which no separate registry offices exist, shall bear a rateable proportion of the expense thereof, based on the assessment of all the municipalities within the jurisdiction of such county.

Registrars.

Registrars, how appointed, &c.

6. Every Registry Office shall be kept by an officer to be called the Registrar.

REGISTRAR.

Present Registrars, bonds, &c., to continue

7. The Lieutenant-Governor shall, as occasion may require, from time to time, by Commission, under the Great Seal of the Province, appoint a fit person to the Office of Registrar, and shall, in like manner, fill up any vacancy occurring by the death, resignation, removal or forfeiture of office by any Registrar, and every Registrar, heretofore appointed or hereafter to be appointed, shall hold office during pleasure only.

Security to be given by Registrars.

8. Every Registrar in office when this Act takes effect is hereby continued therein, subject to the laws in force respecting public officers, and to the provisions and requirements of this Act, and all recognizances by Registrars and their sureties in force at the passing of this Act, shall continue in force under this Act.

Form.

Affidavit.

Where recognizance shall be kept.

9. Before any Registrar is sworn into office, such Registrar and two or more sufficient sureties shall enter into a joint and several recognizance in writing under their hands and seals, to Her Majesty, in a penal sum to be fixed at not less than four thousand nor more than ten thousand dollars, which recognizance shall be approved of by the Lieutenant-Governor in Council, and the same shall be taken by any two Justices of the Peace for the County in which the office to which he is appointed is situate, and shall be conditioned for the true and faithful performance, by the said Registrar or his Deputy, of his duty in the execution of all things directed and required of him by this Act; and such Registrar shall also execute and enter into a joint and several covenant in duplicate with other sureties, which duplicate covenant may be in form appended to this Act, marked A, or to the like effect, to which recognizance and to each of which covenants shall be attached an affidavit in the form appended to this Act marked B, or to the like effect, made by each of the obligors and covenantors therein mentioned, and such recognizance and one of such duplicate covenants with the affidavits appended shall be forthwith transmitted to the Provincial Secretary, to be by him retained, and the other duplicate covenant, with the affidavits aforesaid, shall be by such Registrar forthwith filed in the office of the Clerk of the Peace for the said County or Union of Counties, where the same shall remain of record.

10. The Registrar, whether appointed before or after the passing of this Act, may at any time be required by the Inspector, with the approval of the Lieutenant-Governor in Council, to execute a new recognizance and covenants in the form and to the effect hereinbefore provided, and to furnish other sureties as may be deemed expedient, and in default thereof shall be subject to the penalties mentioned in section eighteen of this Act.

New recognizances may be required by Inspector.

11. Any person may examine and obtain a copy of the Registrar's covenant and affidavits on payment to the Clerk of the Peace of a fee for such copy and search, of one dollar, or for such search, of twenty-five cents.

Copies may be obtained by any person.

12. The Registrar and his sureties shall be jointly and severally liable on their covenant to any aggrieved person or persons to indemnify him or them against any damage or loss sustained by him or them, by or through the neglect or misconduct of the Registrar or his Deputy in the performance of the duties of his office, not exceeding the penalty named therein, but this provision shall not exempt the Registrar from any further responsibility to parties sustaining damage or loss as aforesaid.

Liability of Registrars and their sureties.

13. Every Registrar, before he enters upon the execution of his office shall, before two or more Justices of the Peace for the County, take the oath given in the form marked C in the Appendix hereto, which shall be transmitted to the Provincial Secretary, together with the recognizance and covenant aforesaid.

Registrar's oath of office.

14. The Registrar may nominate a Deputy or Deputies in his Office, who may perform all the duties required under this Act, in the same manner and to the like effect as if done by the Registrar, such nomination to be in writing, under the hand of the Registrar and sealed with his seal of office; and any Registrar may remove his Deputy and appoint another in his place whenever he may think it necessary; and in case of the death, resignation, removal or forfeiture of office of the Registrar, the Deputy Registrar, or in case of there being more than one, the Senior Deputy Registrar, shall do and perform all and every act, matter and thing necessary for the due execution of the said office, until a new appointment of Registrar is made by the Lieutenant-Governor.

Appointment of deputies.

Removal.]

Power of Deputy in case of death or removal of Registrar.

15. Every Deputy Registrar before he enters on the execution of his office shall, before two or more Justices of the Peace for the County, take the oath or an oath to the like effect, appointed to be taken by the Registrar, which shall be forthwith transmitted in like manner.

Deputy's oath of office.

16. No Registrar or Deputy Registrar or Clerk in his office shall, directly or indirectly, act as the agent of any Corporation, Society, Company, Person or Persons investing money and taking securities on real estate within his County, nor shall such Registrar or Deputy Registrar or clerk in the office advise, for fee or other reward, or otherwise, upon titles of land, or practice as a Conveyancer, within his County, nor shall he carry on or transact within the Registry Office, any other business or occupation whatever, upon pain of forfeiture of office.

Registrars or Deputies, &c., not to act as Agents, or advise as to titles, &c., in their counties.

DUTIES OF REGISTRARS.

Residence of Registrars.

17. Every Registrar shall reside within ten miles of his office, and shall keep his office at the place named in his commission or otherwise as appointed by the Lieutenant-Governor in Council, or by any Act in force respecting the same.

Removal for misconduct.

Liability of Registrar.

And of Deputy executing office.

If the Registrar in any manner misconducts himself in his office or neglects to perform his duty in every respect, as required of him by this Act, or commits or suffers to be committed any undue or fraudulent practice in the execution thereof, then such Registrar may, at the discretion of the Lieutenant-Governor in Council, be dismissed, and he shall, moreover, together with his sureties, so far as their covenants extend, be liable to pay all damages, with full costs of suit, to any person injured thereby, to be recovered by action in any of Her Majesty's Superior Courts of Record; and any Deputy executing the office of Registrar during any vacancy by death, resignation or forfeiture of the Registrar, shall, together with the sureties of the Registrar as far as their covenants extend, be for the same cause, and in like manner liable as the Registrar and his sureties are in this section declared to be liable.

Hours of attendance at office.

Holidays.

19. The Registrar or his Deputy shall, for the discharge of all duties belonging to the said office attend at his office from the hour of ten in the forenoon until three in the afternoon, every day in the year except Sunday, New Year's Day, Ash Wednesday, Good Friday, Easter Monday, the Queen's Birthday, Christmas day, and every day by Proclamation of the Lieutenant-Governor appointed to be held as a general Fast day or Holiday in Ontario, and no Instrument shall be registered by him on any such days, nor shall any Instrument be received for Registration by him except within the hours above named.

Registrars to make searches and abstracts, on certain conditions.

To exhibit originals of instruments, &c.

To certify copies, &c.

20. The Registrar shall, when required, and upon being tendered the legal fees for so doing, make searches and furnish copies and abstracts of or concerning all Memorials, or other Instruments registered, mentioning any lot of land as described in the Patent thereof from the Crown, or any lot, described by number or letter on any registered map or plan, subsequent to the registration of such map or plan, or any part of a lot when the same is clearly described and can be identified in connection with the chain of title, or has been ascertained by actual survey; and of and concerning all Wills, Deeds, Orders, or other Instruments recorded, as may be requested of him in writing, if a writing be demanded by the Registrar; and he shall exhibit the original registered Instrument, and also the books of the office relating thereto when the party desires to make a personal inspection thereof, and shall give certificates of all copies and extracts under his hand of and concerning the parties to any of such documents, or of the witnesses to the same, or any other particulars which may be required, but no Registrar shall allow any such Book or Instrument to be taken out of his possession or custody.

Registrar to have a seal of office, and for what purposes.

21. Every Registrar under this Act shall have a Seal of Office, to be approved of by the Inspector, and on request of any person or persons, body corporate or otherwise, shall furnish

an exemplification or certified copy under his hand and seal of office, of any instrument or memorial deposited, registered, or filed, and kept in his office as such Registrar, which exemplification or certified copy shall be received as *prima facie* evidence in every Court of Law or Equity in Ontario, in the same manner and with the same effect as if the original thereof, in his office, was produced; and no Registrar or Deputy Registrar shall be required to produce any paper in his custody as such Registrar or Deputy Registrar, unless ordered by a Judge of some one of the Courts of Ontario, which order shall be produced to the officer issuing the subpoena requiring such production, and shall be by him noted in the margin of such subpoena, and signed by such officer.

Not bound to produce any papers, except on order of judge.

BOOKS OF OFFICE.

22. The Treasurer of the County or City shall provide a fit and proper Registry Book for each Township, reputed Township, City, Town, and Incorporated Village, the limits whereof are defined by law, and all Indices and other books required for the business of the said office; and all such Registry Books shall be as nearly as may be of the like size and description as those heretofore furnished, and shall continue to be of one uniform size or nearly so; and from the time such books are so provided and received at the Registry Office, the person who holds and executes the office of Registrar, shall keep and cause to be used for that purpose, a separate Register Book for and of each Township, reputed Township, City, Town and Incorporated Village, the limits whereof are defined by law, within the county, for which he holds office; and he shall also keep and cause to be used for that purpose a general Register book for the whole county, in which shall be recorded all wills and instruments in which there is a general devise, conveyance or power affecting lands without local description, and in which book an alphabetical index of the names of all the parties mentioned by name in such instrument shall also be kept; and whenever any Registrar requires a new Register Book, or any other book for the use of his office, the same shall, on his application therefor, in writing, be furnished to him by the Treasurer, and all such books so furnished shall be paid for by the Treasurer out of the County or City funds as the case may be; and all such Books so furnished, used and kept, shall be deemed to be the property of Her Majesty for the use and benefit of the public; and the Inspector shall have power, when, for the dispatch of business, he may find it necessary, by order in writing, to permit more than one Register book to be in use at the same time for the same municipality.

County Treasurer to provide proper books, one for each locality in the county.

General Registry book for the whole county, and for what purposes.

New books to be furnished when required.

23. If the Treasurer refuses or neglects to furnish such books within thirty days after such application therefor, the Registrar may provide the same and recover the costs thereof from the Municipality of the County or City so in default.

If the Treasurer neglects to provide books.

24. The Judge of the County Court or Warden of the County, or Mayor of a City, shall give a certificate respecting each Registry or other Book, so furnished or provided, in the form D, or to the like effect, in the Appendix hereto, and in case of refusal shall be liable to the same penalties as are imposed by section twenty-seven of this Act.

County Judge or Warden, to certify books.

Provision when any place is separated from a county, or detached from one county and attached to another.

Certain books, &c., to be transferred.

Statement to be furnished from general registry book.

Duty of Registrar receiving the same.

Penalty on Registrar refusing to make such transfer, &c.

Registrar removed or resigning to deliver up books, &c.

Proceedings in case of refusal.

25. When any County, City, Town, Incorporated Village, Township, reputed Township or place, making part of a County wherein a separate Registry Office is or has been kept, is or has been detached from some union or County and set apart for Registration purposes, or attached to or made part of another county for which a separate Registry Office is also kept, or when a separate Registry Office is established in any County or junior County, according to the provisions of this Act, the Registrar of the County from which such localities are so detached, shall deliver to the Registrar of the County set apart, or of the County whereunto the same is attached, the Registry Book or Books and all other Books and Indices which have been kept according to the statute, exclusively for such County, City, Town, Incorporated Village, Township or reputed Township or place, the original memorials and original duplicates of all deeds, conveyances and wills of, or relating exclusively to, any lands within the same, and all other instruments, and all maps of Cities, Towns or Villages within the same, lodged according to law in his office; also a statement of all titles to lands within such detached localities, registered before separate Registry Books were kept for each Township or place, which statement shall contain a schedule of all memorials and other registered instruments which are so delivered, and also an exact copy of all memorials and other registered documents affecting such lands which, by reason of their relating to two or more localities cannot be delivered, and such statement shall also contain the same particulars with regard to wills, and shall be accompanied by indices of names, and an index of lots, which shall be considered as a part of the said statement; such Registrar shall also furnish therewith a statement and copy of all wills and other instruments registered in any general Registry Book and shall carefully compare such statement with the original entries in the Register Books in his office, and indorse a certificate to that effect on the statement when furnishing the same; the Registrar receiving such books, and his successors, shall keep the same among the Registry Books of his office, and deal with them in all respects in like manner as those originally supplied to and kept therein.

26. Any Registrar who refuses to deliver such books, plans, duplicates, indices or memorials, as aforesaid, within six months after demand in writing therefor, made upon him by the Registrar entitled to receive the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any Court of Oyer and Terminer and General Gaol Delivery, shall forfeit his office and be liable to a fine, in the discretion of such Court, not exceeding four hundred dollars.

27. In case any Registrar is removed from or shall resign his office, he shall forthwith deliver up all books, plans, instruments, memorials and indices in his possession, at such Registrar, to the person who is appointed Registrar in his stead, or to any other person who may be specially appointed in writing, by Her Majesty's Attorney-General for Ontario to receive the same, and if such Registrar refuse to do so, the Attorney-General may direct the Sheriff of the county to seize and take immediate possession of the same wherever found, and the Registrar so offending shall be liable to a fine, in the discretion of the Court,

not exceeding two thousand dollars, and to any term of imprisonment, if the Court think fit to impose it in addition to the fine, not exceeding one year.

28. All Registrars who have received or shall receive from another County original memorials, instruments, and statements of title therewith, shall so soon as practicable, after the passing of this Act, make full and complete copies of all such memorials and instruments in proper books, and in the same order and relation in which they were originally registered, inserting in the margin of the Registry Books, opposite to each memorial or instrument, the number thereof, and the particular time at which such memorial or instrument was originally recorded, as indorsed on the back thereof by the Registrar or his Deputy, at the time of the original registration thereof.

Duty of Registrars receiving original memorials, &c., from another county

29. Whenever, in any Registry Office, any book from age or use, is becoming obliterated or unfit for future use, the Inspector shall, by directions in writing under his hand, order such book to be re-copied in a book of like description as that required under the twenty-second section of this Act, so far as the same can be deciphered, by examination thereof and of the original memorials relating thereto, which book having the order of such Inspector for the copying thereof, under the hand of the Inspector, inserted at the beginning of the book, and having the affidavit or declaration of the Registrar or his Deputy, at the end of such book, to the effect that such book so copied, is a true copy of the original book of which it purports to be a copy, shall be to all intents and purposes, accepted and received as the original book, and as *prima facie* evidence that such copy is a true copy of the original book; every such original book shall, nevertheless, be carefully preserved, notwithstanding a copy thereof shall have been made, and every such Registrar or his Deputy, shall be obliged to make his affidavit or declaration in this section mentioned, and the Inspector shall have power to order any book which is out of repair and unfit for use to be repaired in such manner as he may think necessary; and he shall also have power to order plans and maps deposited in any Registry Office, to be copied, mounted or bound, to be preserved in such manner as he may think necessary.

Provision when any book becomes unfit for further use; copy to be made.

Original to be preserved.

30. The Registrar, where the same has not been completed, shall, in a proper book kept for the purpose, and called the "Abstract Index," enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or as defined on any plan of the subdivision of any such land into smaller sections or lots after such plan shall have been filed in the Registry Office, and every instrument registered on and after the said first day of January, one thousand eight hundred and sixty-six, mentioning any such parcel or lot of land or other subdivision, and the names of all persons to each instrument, and the nature of it, (such as a "Will," "Grant," "Lease," "Power of Attorney,") the numbers of registration of all such instruments, for each municipality in which the land mentioned therein is situate, and the day, month, and year, of their registry, and the consideration or mortgage money mentioned therein, shall, by the Registrar, in addition to all entries now required, be entered

Each Registrar to make an abstract Index to lots.

What it shall contain.

in regular order and rotation under the proper heading of each such separate parcel or lot of land mentioned in such instrument, and the book or books, to be so kept by each Registrar, for the purpose of making the said entries, shall be in the form or nearly so of Schedule K, in the appendix hereto.

Also an index
of names for
each locality.

31. Every Registrar shall also, for each township, city, town, and incorporated village, keep an alphabetical Index of names exhibiting in columns the number of each instrument, the names of the different grantors, and the names of the grantees, according to the form of Schedule L of this Act.

Indices to be
completed as to
registrations
before the pass-
ing of this Act.

32. In order to make every Index required by this Act complete, it shall be the duty of each Registrar in all cases when the abstract or alphabetical indices have not been heretofore kept substantially as herein provided, to enter all the registrations affecting lands, which may have been recorded before the passing of this Act, in the same manner and in the like books as provided in the thirtieth and thirty-first sections of this Act.

INSTRUMENTS THAT MAY BE REGISTERED.

What may be
registered.

33. The following instruments and proceedings may be registered, namely :

Grants, &c.

1. Grants from the Crown, deeds, conveyances, assurances, bonds and agreements for the sale or purchase of land, and all other instruments, including sheriffs' deeds of land sold by virtue of their office, or in any wise affecting, in law or in equity, lands in Ontario;

Powers of At-
torney.

2. Powers of Attorney under which any such Deed, Conveyance, Assurance, Discharge of Mortgage or other Instrument, has been or may be executed;

Wills.

3. Wills and Devises of or affecting any such lands;

Decrees.

4. Certificates of decrees of foreclosure and all other decrees or proceedings affecting any title or interest in lands;

Certificates of
proceedings in
Chancery, &c.

5. Certificates of the filing or dismissal of any Bill, or the taking of any proceedings in Chancery or in a County Court on its equity side, whereby any title to or interest in land may be brought in question;

Of satisfaction.

6. Certificates of Satisfaction of Mortgages;

Of payment of
taxes.

7. Certificates of payment of taxes, granted under the corporate seal of the County or City municipality by the Treasurer;

Others in sec. 1.

8. And all other Instruments in the first section of this Act mentioned.

HOW REGISTERED.

Crown Grants.

34. Grants from the Crown shall be registered by the production thereof to the Registrar, with a true copy sworn to by any person who may have compared the same with the original, such copy to be filed with the Registrar, and all other instru-

ments, excepting wills, shall be registered by the deposit of the original instrument, or by the deposit of a duplicate or other original part thereof with all the necessary affidavits: Other instruments, except wills.

1. Lists of Marriages received by the Registrar of the county or city under the seventy-second chapter of the Consolidated Statutes for Upper Canada, shall be registered by filing the same among the records of his office, and entering the same in a book to be kept by him for the purpose. List of marriages.
Con. Stat. U.C. c. 72.

35. Every Will shall be registered at full length by the production of the original will and the deposit of a copy thereof, with an affidavit sworn to by one of the witnesses to the Will, proving the due execution thereof by the testator, or by the production of probate or letters of administration with the will annexed, under the seal of any Court in this Province, or in Great Britain and Ireland, or in any British Province, Colony, or possession having jurisdiction therein, and by the deposit of a copy of such probate or letters of administration, with an affidavit verifying such copy. Wills.

36. The Registration of all instruments executed before the first of January, one thousand eight hundred and sixty-six, may be made in like manner through memorials or by certificate or otherwise, as provided by the law in force prior to the Registry Act passed in the year one thousand eight hundred and sixty-five. Registration of instruments executed before 1st Jan., 1866

37. The proof that would have been sufficient for the registration of any instrument before the first day of January, one thousand eight hundred and sixty-six, shall be deemed sufficient for the registration hereafter of any such Instrument that may have been executed prior to the first day of January, one thousand eight hundred and sixty-six; but in any such case the Instrument shall be registered at length, and the memorial and affidavit shall be deposited and filed in lieu of an original or duplicate. Proof of registration of instruments executed before 1st Jan. 1866. &c.

PROOF FOR REGISTRATION.

38. In the case of an Instrument other than a Will, a subscribing Witness to such Instrument shall in an affidavit setting forth his name, place of residence, and occupation or calling, in full, swear to the following facts; Facts to be proved: affidavit.

1. To the execution of the original and duplicate if any there be.
2. To the place of execution;
3. That he knew the parties to such Instrument, if such be the fact;
4. That he knew such one or more of them, according to the fact;
5. That he is a subscribing witness thereto. The affidavit may be in the form E, or to the like effect in the appendix hereto.

9. The said affidavit shall be made on the said Instrument, or securely attached thereto, and such Instrument and affidavit shall be copied at full length in the Registry Book; Affidavit to be registered.

When different
witnesses see
different Grant-
ors execute.

40. When any Instrument is executed by one or more Grantors, but not by all of them, in presence of the same witness or witnesses, and by one or more of the other parties thereto in presence of another witness or other witnesses, then and in such case the witness or one of the witnesses, whether the same be so executed in the same or in different places, shall make an affidavit in accordance with the thirty-eighth section as to each separate and distinct execution of the Instrument before the same shall be registered.

Before whom
to be sworn.

41. Every affidavit made under the authority of this Act shall be made before any of the following persons :

In Ontario.

1. If made in Ontario, it shall be made before—
The Registrar or Deputy Registrar of the County in which the lands lie,
Or, before a Judge of any of the Superior Courts of Law or Equity,
Or, before any Judge of a County Court within his County,
Or, before a Commissioner authorized by any of the Superior Courts to take affidavits.

In Quebec.

2. If made in Quebec, it shall be made before—
A Judge or Prothonotary of the Superior Court or Clerk of the Circuit Court,
Or, before a Commissioner authorized by any of the Superior Courts of Common Law for Ontario to take affidavits in Quebec,
Or, before any Notary Public in Quebec, certified under his official seal.

In United
Kingdom.

3. If made in Great Britain or Ireland, it shall be made before—
A Judge of any of the Superior Courts of Law or Equity therein,
Or, before a Judge of any of the County Courts within his County,
Or, before the Mayor or Chief Magistrate of any City, Borough or Town corporate therein, and certified under the Common Seal of such City, Borough or Town corporate,
Or, before a Commissioner for taking affidavits in and for any of the Courts of Record for the Province of Ontario,
Or, before any Notary Public certified under his official seal.

In a British
Colony.

4. If made in any British Colony or possession, it shall be made before—
A Judge of a Court of Record,
Or, before the Mayor of any City, Borough or Town corporate, and certified under the Common seal of such City, Borough or Town,
Or, before any Notary Public, certified under his official seal,
Or, if made in the British Possessions in India, before any Magistrate or Collector, certified to have been such under the hand of the Governor of such possession.

5. If made in any Foreign Country, it shall be made before—
 The Mayor of any City, Borough or Town corporate of such Country, and certified under the Common seal of such City, Borough or Town corporate.
 Or, before any Consul or Vice Consul of Her Majesty, resident therein,
 Or, before a judge of a court of record or a Notary Public, certified under his official seal.

In a Foreign Country.

42. Every subscribing witness shall be compellable, when necessary, by order of a Judge of any of the Superior Courts or County Courts, to make affidavit or proof of the execution of any Instrument for the purpose of Registration under this Act, and to do all other acts necessary for the same purpose, upon being paid or duly tendered his reasonable expenses therefor.

Witnesses compellable to make affidavit.

43. The proof may be either by affidavit or by affirmation or declaration, when by the law of the Country where such proof is made, an affirmation or declaration may be substituted for an affidavit, and the Registrar shall receive such Instruments so proved without any other or further proof of their due execution.

Affirmation or declaration in certain cases.

44. None of the persons authorized to take affidavits by this Act shall take any affidavit of the execution of any Instrument, in case he is a party to such Instrument, nor shall any such affidavit of the proof of any Instrument executed after the first day of January, one thousand eight hundred and sixty-six, be taken from any witness, unless such witness has subscribed his name in his own handwriting as such witness.

Parties not to make affidavits

Witnesses must have signed as such.

45. When the Witnesses to any Instrument are dead or are out of this Province, any person who is or claims to be interested in the Registration of the Instrument, may make proof before the Judge of any County Court in Ontario, of the execution of such Instrument, and upon a certificate (according to the form F in the appendix hereto) endorsed on such Instrument and signed by such Judge, that the Judge is satisfied by the proof adduced of the due execution of the Instrument, the Registrar shall register such Instrument and Certificate.

When witnesses are dead or out of the Province.

46. The Seal of any court of record or of any Corporation affixed to any Instrument in writing shall, of itself, with the signature of the Secretary or presiding officer thereof be sufficient evidence of the due execution of the same by such Corporation, or by the Judge, Registrar, Clerk or officer of the Court, signing the same, for all purposes respecting the registration thereof, and no further evidence or verification of such execution shall be required for the purpose of registry.

Seal of court or corporation to suffice for registration.

47. When a Power of Attorney or any Substitution thereof is registered, the Registrar shall deliver a certified copy or copies of such Power or Substitution as may be required of him, and of all the documents aforesaid connected with or relating to the same, under his signature and Seal of Office, in which Certificate he shall declare the time, place and other particulars of registration as in other cases under this Act, and he shall also declare that the copy, which he so delivers, is a true copy of the Power or Substitution, and of all the other documents connected with or relating to the same of which they respectively

Registrar to deliver certified copy of power of attorney registered.

purport to be copies, and that the originals have been duly deposited in his office according to the statute in that behalf.

Use and effect
of such certified
copy.

48. Every such certified copy where the original Power or Substitution is deposited as aforesaid, may be registered in any other Registry Office, by deposit thereof, without production of the original Power or Substitution, and without proof of any kind, other than the production of the copy so certified as aforesaid.

To be *prima
facie* evidence.

49. Every such certified copy of a Power of Attorney or Substitution, shall be received in all cases in place of the original as *prima facie* evidence of the original Power or Substitution, and of due execution; Provided always, that notice has been given in the manner set forth in section fifty-one of this Act.

Notarial copies
of instrument
executed in
Quebec may be
registered, &c.

50. Every Notarial copy of any Instrument executed in Quebec, the original of which is filed in any Notarial Office according to the law of Quebec, and which cannot, therefore, be produced in Ontario, shall be received in lieu of and as *prima facie* evidence of the original instrument, and may be registered and treated under this Act for all purposes as if it were in fact the original instrument, and such Notarial copy shall be registered without any other or further proof of the execution of the same, or of the original thereof, with the seal of the Notary attached.

Certified copies
of registered
instruments
may be used
instead of origi-
nals, after no-
tice.

1. In any action at law, or suit in equity, where but for this Act it would be necessary to produce and prove any original instrument in order to establish such instrument and the contents thereof, the party intending to prove any such original instrument may give notice to the opposite party ten days at least before the trial, or other proceeding in which the said proof is intended to be adduced, that he intends at the said trial or other proceeding to give, in evidence as proof of such original instrument, a copy thereof certified by the Registrar under his hand and seal of office, and in every such case the copy so certified shall be sufficient evidence of the original instrument, and of its validity and contents, unless the party receiving such notice does, within four days after such receipt, give notice that he disputes the validity of such original instrument, in which case the costs of producing and proving such original may be ordered by the court or judge to be paid by any or either of the parties as shall be deemed right.

Exception.

Cost in such
cases.

MANNER OF REGISTERING.

All registra-
tions to be at
full length and
how.

52. All instruments that may be registered under this Act shall be registered at full length, including every certificate and affidavit, excepting certificates by the Registrar, accompanying the same, upon and by the delivery to the Registrar of the original instrument, when but one is executed, or when such instrument is in two or more original parts, upon and by delivery of one of such parts.

Instruments in
two or more
parts.

53. In case one of two or more original parts is registered, the Registrar shall endorse upon each of such original parts a certificate of such registration, in the form to this Act, marked G, and such original, so certified, shall be received as *prima facie* evidence of the registration and of the due execution of the same.

54. When any instrument shall include different lots or parcels of land situate in different municipalities in the same county, it shall only be necessary to furnish one duplicate original of such instrument, with an affidavit of its execution, and such duplicate original and affidavit shall be copied into the Registry Book pertaining to each city, town, incorporated village, township, or place wherein the lands therein mentioned are situate, and the Registrar shall make the necessary entries and certificates accordingly.

Instruments relating to several lots in different localities.

55. The Registrar or Deputy Registrar of the County in which the lands are situate shall, upon production to him of the original Instrument, duplicate or other original part thereof, together with an affidavit of execution, enter the said Instrument in the Registry Book, in the order in which it is received, and he shall file the same with such affidavit of execution, and he shall endorse a certificate on every such Instrument in the form G to this Act, and shall therein mention the certain year, month, day, hour and minute in which such Instrument is entered and registered, expressing also in what book the same has been entered, and the number of registration; and the said Registrar or his Deputy shall sign the said Certificate when so endorsed, which certificate shall be taken and allowed as evidence of such respective registries in all Courts of Record; Provided always, that it shall not be necessary to register in full the deed of assignment from the Bank of Upper Canada to Thomas C. Street, Robert Cassells, Peter Paterson, Hugh C. Barwick, and Peleg Howland, bearing date the twelfth day of November, in the year of our Lord one thousand eight hundred and sixty-six, and confirmed by the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's Reign, entitled "An Act for the settlement of the Affairs of the Bank of Upper Canada," chapter seventeen, which shall be deemed validly registered, in any County or City, if registered in the manner provided in and by the said Act, or by a declaration under the corporate seal of the Trustees of the Bank of Upper Canada in the form following:

Copying into Registry Book.

Filing away instrument and affidavit.

Certificate and its effect.

Assignment from Bank U.C. to Trustees may be registered as in manner provided by Act of Canada 31 Vic. c. 11.

Or as provided by this Act.

"The Trustees of the Bank of Upper Canada declare that the undermentioned lands were, among other lands, granted and conveyed by the Bank of Upper Canada to Thomas C. Street, Robert Cassells, Peter Paterson, Hugh C. Barwick, and Peleg Howland, their heirs and assigns, by indenture, bearing date the twelfth day of November, in the year of our Lord one thousand eight hundred and sixty-six, and that the same are held by the Trustees of the said Bank of Upper Canada as a Corporation, under and by virtue of the Act passed by the Dominion of Canada in the thirty-first year of Her Majesty's Reign, intituled 'An Act for the Settlement of the Affairs of the Bank of Upper Canada.'"

Form.

(Set out the and.)

"In witness whereof the Trustees have hereunto set their corporate seal, at the City of Toronto, the day of , in the year of our Lord 18 ."

56. Every page of the Registry Book, and every Instrument entered therein shall be numbered, and the certain year, month, day, hour and minute of registration shall be entered in the

Pages and instruments to be numbered

margin of the Registry Books, in the form H to this Act; and such entry shall be signed by the Registrar or his deputy, and shall also be endorsed upon every duplicate of such instrument.

Filing of Bill,
do., not to be
noticed until
registered.

57. The filing of any bill, or the taking of any proceedings in the Court of Chancery in Ontario, or County Court on its equity side, in which bill or proceeding, any title or interest in lands shall be brought into question, shall not be deemed notice of such bill or proceeding to any person not being a party thereto, unless and until a certificate given by the Registrar, Deputy Registrar or Clerk of the Court, to some person demanding the same, in the form mentioned in the schedule to this Act annexed marked I, shall have been registered in the Registry Office of the County in which such lands are situate; but no such certificate shall be required in any suit or proceeding for foreclosure or sale of a registered mortgage.

Exception.

Registry of
sales for taxes.

58. Every deed made by a Sheriff or other Officer for arrears of taxes shall be registered within eighteen months after the sale by such Sheriff or other Officer; and all deeds of lands sold under process issued from any of the Courts of Law or Equity in Ontario, shall be registered within six months after the sale of such lands, otherwise the parties respectively claiming under any of such sales, shall not be deemed to have preserved their priority as against a purchaser in good faith who may have registered his deed prior to the registration of such deed from the Sheriff or other Officer.

Other sales
under process
of Court.

Sales for taxes
before this Act.

59. All deeds for lands sold for taxes, or under process of Law, before the passing of this Act, shall be registered within one year after the passing of this Act, otherwise the parties respectively claiming under any such sales shall not be deemed to have preserved their priority as against a purchaser in good faith who may have acquired priority of registration.

Satisfaction of
mortgage how
registered.

60. When any registered mortgage shall have been satisfied, the Registrar, on receiving a certificate executed by the mortgagee, or if the mortgage has been assigned and such assignment registered, then executed by such assignee, or by such other person as may be entitled by law to receive the money and to discharge such mortgage, in the form J, in the Appendix hereto, or to the like effect, executed in the presence of one witness, and duly proven by the oath of the subscribing witness thereto, in the same manner as herein is provided for the proof of other instruments affecting lands, shall register the same, and every affidavit attached thereto or endorsed thereon, at full length in its proper order, in the Registry Book, and numbering it in like manner as other Instruments are required to be registered and numbered, and also by writing in the margin of the register wherein the said mortgage has been registered, words to the following effect: "—— See certificate purporting to be discharge signed by ——, (*naming the person who has executed the same*)," and "See Registry number —— of such certificate —— Book (*stating the same according to the fact*)," and to which marginal entry the Registrar or his Deputy shall affix his name, and the same shall be deemed a discharge of such mortgage, and such certificate so registered shall be as valid and effectual in law as a release of such mortgage, and as a conveyance to the mortgagor, his heirs,

Entry in margin
of Register.

Effect of such
registration.

executors, administrators, or assigns, or any person lawfully claiming by, through or under him or them, of the original estate of the mortgagor.

61. In case the mortgagee or any assignee of the mortgagee desires to release or discharge part only of the lands contained in such mortgage, or to release or discharge only part of the money specified in the mortgage, he may do so by deed or by a certificate to be made, executed, proven, and registered in the same manner as in cases when the whole lands and mortgage are wholly released and discharged; and such deed or certificate shall contain as precise a description of the portion of lands so released or discharged as would be necessary to be contained in an instrument of conveyance for Registry under this Act, and also a precise statement of the amount or particular sum or sums so released or discharged.

As to release of part only of lands mortgaged.

Portion released to be described.

62. Every certificate of payment or discharge of the mortgage, or of the conditions therein, or of the lands or of any part of the same, or of any part of the money, by the mortgagee, or his assignee, his heirs, executors, administrators, or assigns, or any one of them, at whatsoever time given, and whether before or after the time limited by the mortgage for payment or performance, shall be valid, if in conformity with this Act, to all intents and purposes whatsoever, as herein mentioned.

Certificate of payment, &c., to be valid, at whatever time given.

63. All By-laws hereafter to be passed by any Municipal Council, under the authority of which any street, road, or highway shall be opened upon any private property, shall before the same becomes effectual in law, be duly registered in the Registry Office of the county where the land is situate, and for the purpose of registration, a duplicate original of such By-law shall be made out certified under the hand of the clerk and the seal of the Municipality, and shall be registered without any further proof; and all By-laws heretofore passed and all orders and resolutions of the Quarter Sessions heretofore passed, under the authority of which any street, road, or highway, has already been opened upon any private property, may, at the election of any party interested and at the cost and charges of such party or Municipality, be also duly registered, upon the production to the Registrar of a duly certified copy of such By-law under the hand of the Municipal clerk and seal of such Municipality, or by a duly certified copy of such order or resolution of such Quarter Sessions, given under the hand and seal of the Clerk of the Peace, as the case may be.

By-laws hereafter made affecting real estate to be registered and how.

As to By-laws &c., heretofore made.

EFFECT OF REGISTERING OR OMITTING TO REGISTER.

64. After any grant from the Crown of Lands in Ontario, and Letters Patent issued therefor, every instrument affecting the lands or any part thereof comprised in such grant shall be adjudged fraudulent and void against any subsequent purchaser or Mortgagee for valuable consideration, unless such instrument is registered in the manner herein directed before the registering of the instrument under which such subsequent purchaser or mortgagee may claim.

Unregistered instrument after Crown Grant, to be void against subsequent registered purchaser, &c.

65. All Wills or the probates thereof registered within the space of twelve months next after the death of the Devisor, Testator or Testatrix, shall be as valid and effectual against

Will's not registered within a certain time to be void as against, &c.

subsequent purchasers and mortgagees, as if the same had been registered immediately after such death; and in case the devisee, or person interested in the lands devised in any such Will, is disabled from registering the same within the said time by reason of the contesting of such Will or by any other inevitable difficulty without his or her wilful neglect or default, then the registration of the same within the space of twelve months next after his or her attainment of such Will or Probate thereof, or the removal of the impediment aforesaid, shall be a sufficient registration within the meaning of this Act.

Registry to be notice.

66. The registry of any instrument, under this Act, or any former Act, shall, in equity, constitute notice of such instrument, to all persons claiming any interest in such lands subsequent to such registry.

Actual notice.

67. Priority of registration shall in all cases prevail unless before such prior registration there shall have been actual notice of the prior instrument by the party claiming under the prior registration.

As to equitable liens, &c.

68. No equitable lien, charge, or interest affecting land shall be deemed valid in any Court in this Province after this Act shall come into operation, as against a registered instrument executed by the same party, his heirs or assigns, and tacking shall not be allowed in any case to prevail against the provisions of this Act.

Tacking.

What leases must be registered.

69. This Act shall not extend to any lease for a term not exceeding seven years, where the actual possession goes along with the lease; but it shall extend to every lease for a longer term than seven years.

FEES OF REGISTRARS.

Fees.

70. Every Registrar shall be allowed the following fees for the following services, and no more:

For registry.

1. For the necessary entries and certificate in registering every instrument other than those hereinafter provided, including among such certificates the certificate on the duplicate of forty cents, and for registering every instrument, other than those hereinafter specially provided for, one dollar; but in case the said instrument exceeds seven hundred words, then at the rate of fifteen cents for each additional one hundred words or the fractional part thereof, up to fourteen hundred words, and at the rate of ten cents for each additional hundred words or fractional part thereof over fourteen hundred; and if the memorial or other instrument embraces different lots or parcels of lands, situate in different localities in the same county, the registration and copying of such, including all necessary entries and certificates thereof into the different registry books, shall be considered separate and distinct registrations of such instruments, but shall be charged for and paid at the rate of forty cents for the necessary entries and certificate and fifteen cents for every one hundred words, or the fractional part thereof up to fourteen hundred, and of all over that, at the rate of ten cents for each hundred words or fractional part thereof:

If the instrument includes different lots in different localities.

2. For searching the Registry Books and Indexes relating to the title of any lot or part of a lot of land as originally patented by the Crown, or as afterwards subdivided into smaller lots, shewn by any registered map or plan thereof, when not exceeding four references, twenty-five cents, and five cents for every additional reference; but in no case shall a general search into the title to any particular lot, piece or parcel of land exceed the sum of two dollars;

For searches as to title.

3. For searching, if specially required, the Alphabetical Index of names referred to in section thirty-one as to each name in the books of any one township, or other legally defined municipality in the county, twenty-five cents; Provided, always, that if a general search as to any such name is made throughout the county, the aggregate of fees for such search shall not exceed one dollar;

Searching Index.

General search.

4. For every abstract of title to any specific parcel of land certified by the Registrar containing such particulars as to one or more of the registered instruments affecting such parcel of land as the party searching shall require, twenty-five cents, and when such abstract exceeds one hundred words, fifteen cents for every additional hundred words; and for copies of instruments when required, ten cents for each hundred words;

Abstracts of title.

5. For each certificate furnished by the Registrar, except those made under sub-sections one and four of this section, twenty-five cents;

Certificates

6. For registration of any plan of town or village lots, including all necessary entries connected therewith, one dollar;

Filing plans.

7. For furnishing the statement and copies required under the twenty-fifth, twenty-eighth, and twenty-ninth sections of this Act, to be paid by the County Treasurer to which any city, town, township, village or place may belong or be attached, the sum of ten cents for every folio of one hundred words contained in such statement so furnished or copy so made, and the County Treasurer shall also pay such sum as the Inspector may order, in writing specifying the nature of the service under any section of this Act, for repairing any book, or copying, mounting, or binding plans under the provision of section twenty-nine of this Act.

Statements under Secs. 25, 28. 29.

8. For entering under each lot the registrations made before the first day of January one thousand eight hundred and sixty-six, the sum of ten cents for the several entries and reference of each instrument so entered to be paid for in the same manner as provided for in the next preceding sub-section; Provided, always, that no fees shall be chargeable in respect of the Alphabetical Index, and in no case shall the fees chargeable in respect of the Abstract Index, for any county, exceed in the whole the sum of two thousand dollars.

Entering lots under Sec. 32.

Proviso.

9. For filing and registering each list of marriages delivered to him, under chapter seventy-two of the Consolidated Statutes for Upper Canada, one dollar;

Lists of marriages. Con. Stat. U. C. c. 72

10. For drawing each affidavit and swearing the deponent thereto, twenty-five cents; the same fee to be allowed for administering the oath when such only is required;

Affidavits.

- Showing originals-** 11. For exhibiting in the office each original registered instrument, including search for same, ten cents;
- Certificates of discharge.** 12. For registering each certificate of payment of mortgage money, and every other certificate excepting certificates provided for in the next sub-section, including all entries and certificates thereof, fifty cents.
- Of payment of taxes,** 13. For registering each certificate of payment of taxes, twenty-five cents:
- Figures how charged.** 14. In abstracts and certificates where figures are used instead of words to denote dates, numbers and quantities, the same shall be charged as if each number, though composed of several figures, were but one word:
- Table of fees.** 15. Each Registrar shall keep posted up in some conspicuous place in his office a printed schedule of the fees and charges authorised under this Act.
- Pay of inspector** 71. A sum not exceeding two thousand dollars per annum, which shall include all travelling and other expenses, shall be allowed to an Inspector of Registry offices.
- Recovery of fees from municipal corporations.** 72. Should the Treasurer of any County or City in which a separate Registry Office is established, on the request of the Registrar for the duties performed according to this Act, refuse to pay the fees and allowances for any services required by this Act, such Registrar may prove the same and recover the same and the costs thereof from the corporation of the County or City in any Court of Record in Ontario; and the Inspector's certificate of the amount and of the services rendered shall be *prima facie* evidence of the right to recover.
- Evidence.**
- Fees payable before registration.** 73. The Registrar shall not be compelled to register any instrument unless the fees authorized by this Act are first paid thereon.
- Registrars to keep accounts of fees.** 74. Every Registrar shall keep a separate book in which he shall enter, from day to day, all fees and emoluments received by him by virtue of his office, shewing separately the sums received for registering each instrument, and for searches, and for extracts or copies, and shall make up to, and including the thirty-first day of December of the previous year, a return, under oath, of such fees and emoluments so received to the Lieutenant-Governor, annually, on the fifteenth day of January.
- Return.**

MISCELLANEOUS PROVISIONS.

- Registration of plans of division of lands into smaller parcels.** 75. Whenever any land or original town or township lot has been surveyed or subdivided into town or village lots, or other lots so differing from the manner in which such land or lot was surveyed or granted by the Crown, that the same cannot or is not, by the description given of it, easily and plainly to be identified, the person, corporation or company making such survey or subdivision, their heirs, executors, administrators or assigns, agents, attorneys or successors, shall within three months from the date of every such survey or sub-division, lodge with the Registrar a plan or a map of the same, shewing the number of the Township or Town Lots, and range or concession, the
- Scale of plan, and what to shew.**

numbers or letters of Town or Village Lots, and names of streets, the measurement and magnetic bearings of each lot on a scale of not less than one inch to every four chains, and showing thereon all roads, streets, lots and commons within the same, with the courses and widths thereof respectively, and the width and length of all lots, and the courses of all division lines between the respective lots within, the same together with such information as will show the lots, concessions, tracts or blocks of land of the Township wherein the same is situate, and every such map or plan shall be certified by some Provincial Land Surveyor; and thenceforth the Registrar shall keep an index of the lands described and designated by any number or letter on such map or plan, by the name by which such person, corporation or company designates the same in the manner provided by this Act; and all instruments affecting the land or any part thereof, executed after such plan shall conform thereto, otherwise the same shall not be registered; and in the case of refusal by such person, corporation or company, his or their executors, agents or attorneys, or successors, for two months after demand in writing for that purpose, to lodge the said plan or map when required by any person interested therein, or of the Inspector so to do, he or they shall incur a penalty of twenty dollars for each and every calendar month the said map or plan remains unregistered, which penalty may be recovered by any person complaining, in any Division Court, in the county in which such lands are situated, in like manner as a common debt; and this section shall apply as well to lands already surveyed or sub-divided as to those which may hereafter be surveyed or sub-divided, subject to the next succeeding section.

Duty of Registrars thereafter

Instruments must conform to such plan.

Penalty for refusing such plan.

How recovered

To what lands this section applies.

76. In sales of lands under surveys or sub-divisions made before the passing of this Act, when such surveys or sub-divisions so differ from the manner in which such land was surveyed or granted by the Crown that the parcel so sold cannot be easily identified, the plan or survey shall be registered within six months after the passing of this Act, if the plan or survey is still in existence and procurable for registration and filing under the next preceding section, and if it is not, a new survey or plan shall be made by and at the joint expense of the persons who have made such surveys or sub-divisions, and of all others interested therein, by some duly authorized Provincial Land Surveyor, as nearly as may be according to the proper original survey or sub-division, and the same when so made shall be filed as if under the next preceding section of this Act.

When plan must be registered in case of lands sub-divided before this Act.

How to be made.

77. In no case shall any plan or survey, although filed and registered, be binding on the person so filing or registering the same, or upon any other person, unless a sale has been made according to such plan or survey, and in all cases amendments or alterations of any such plan or survey may be ordered to be made, at the instance of the person filing or registering the same, by the Court of Queen's Bench or Common Pleas, or by the Court of Chancery, or by any Judge of any of the said Courts, or by the Judge of the County Court of the County in which the lands lie, if on application for the purpose duly made, and upon hearing all parties concerned, it shall be thought fit and just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed expedient.

Plan not binding until some sale is made under it; alterations in plan.

Plans of towns
or villages to be
registered in
certain cases:

How to be cer-
tified.

Expense how
paid.

78. In each and every case in Ontario where any incorporated town, or village, or village not incorporated, comprises different parcels of land owned at the original division thereof by different persons, and the same was not jointly surveyed and one entire plan of such survey made and filed in accordance with the seventy-fifth section of this Act, the municipality of the township within which such village is situated, or the municipality of such incorporated town or village, shall upon the written request of the Inspector or of any person interested, addressed to the Clerk of such municipality, immediately cause a plan of such town or village to be made upon the scale provided for under this Act, and to be registered in the Registrar's Office of the County within which such village lies, which map or plan shall have endorsed thereon the certificates of the Clerk and head of the municipality and surveyor, that the same is prepared according to the directions of such municipality, and in accordance with this Act, and to which map or plan the corporate seal of the municipality shall be attached; and the expense attending the getting up and depositing such map or plan shall be paid out of the general funds of the municipality, except in the case of unincorporated Villages where the same shall be paid by a special rate to be levied by assessment on all real estate, comprised in the Village as described by metes and bounds in a By-law to be passed by the Municipality for that purpose; and in case of the refusal of such municipality to comply with all the requirements of this section within six months next after being required in manner aforesaid so to do, such municipality shall in addition thereto incur the same penalty, and the same shall be recoverable in the same manner as provided in the seventy-fifth section of this Act.

Provisions for
re-registration
in case Registry
Books or papers
are lost or de-
stroyed.

79. In any case when the Registry Books and papers have been heretofore lost or destroyed and the memorials are not forthcoming, upon proof being made to that effect before any Judge of a Court of Record in Ontario to the satisfaction of such Judge as evidenced by a certificate under his hand, it shall be lawful for the Registrar for the County where the lands are situate to register the instrument upon production thereof, and no further proof shall be required by the Registrar than the original certificate of Registration endorsed on such instrument; and any such instrument shall have priority according to the date of the original certificate; Provided always that the instrument shall be filed away by the Registrar and preserved with the records of his office, and in case memorials have not been copied into the Registry Books in their proper order, the Inspector may cause the same to be entered in proper Books to be procured for the purpose in the same manner as provided for in section twenty-two of this Act, and the Registrar shall be paid therefor in the same manner as under sub-section seven of the seventieth section of this Act.

Registration
heretofore
made not to be
deemed void
for certain
defects.

Registration in
books for incor-
porated villages

80. No registration of any deed or other instrument heretofore made shall be deemed or adjudged void by reason of the name or names, residence or residences, addition or additions of the witness or witnesses to such deed or instrument being improperly given or described in the registered memorial thereof, or being either in part or altogether omitted from such memorial, or by reason of any clerical error or omission of a formal or technical character therein; and all registrations heretofore effected in separate Registry books of unincorporated villages,

are hereby confirmed, when the law has been otherwise complied with; and such separate Registry Books shall be taken and held to form a part of the Registry Books of the Municipality of which such unincorporated village forms a part; Provided always that this clause shall not affect any case or cases now proceeding in any of the Courts of Law or Equity in Ontario, nor shall such books be further continued to be used.

Proviso.

81. The Provincial Registrar, so soon after the first day of January next, as is practicable, shall furnish to each Registrar a statement containing full descriptions by metes and bounds of all lands heretofore granted by the Crown with the names of the grantees and dates in all cases where a general description such as "North or South half," or "North East or North West quarter" has not and cannot be given, and where particular descriptions are requisite to show clearly the parcels as they are required for the abstract indices; and the said Provincial Registrar shall also thereafter once in every three months, furnish to each Registrar a statement containing a list of the names of all persons to whom patents have issued from the Crown for grants of land within the County, since the former statements, and with such general or particular descriptions as the case shall require; and the Commissioner of Crown Lands shall furnish copies of all plans or maps of towns and townships within the same, which have not been already furnished, and in cases where no proper survey of any township has been made he may cause a proper survey and plan thereof to be made and furnished.

Provincial Registrar to furnish statement of all Crown Grants before 1st Jan., 1866

And so once every three months. Maps to be furnished by Commissioner of Crown Lands.

82. Any person forswearing himself before any Registrar or his Deputy, or before any Judge, Commissioner, or other person duly authorized to administer an oath in any of the cases aforesaid, and lawfully convicted, shall incur and be liable to the same penalties as if the oath had been taken in any Court of Record in Ontario.

False swearing under this Act to be perjury.

83. Any person who forges or counterfeits any certificate by this Act authorized or directed, or any affidavit of the execution of any duplicate original or memorial, or any Instrument whatever mentioned in this Act, shall be deemed guilty of felony, and shall be imprisoned at hard labor in the Penitentiary for any time not less than four years nor more than ten years.

Forging certificates, &c., under this Act, to be felony;

INSPECTOR OF REGISTRY OFFICES.

84. The Lieutenant-Governor may, from time to time, appoint an Inspector of Registry Offices, whose duty shall be to make a personal inspection of the building in which each office is kept, and of the books, deeds, memorials and other Instruments in each Registry Office, to see that the proper books have been and are provided, that they are in good order and condition, that the proper entries and registrations are made therein in a proper manner and in a due and proper form and order, that the indices are properly kept, and that all the memorials and other instruments are duly endorsed and certified, and preserved, to ascertain that the office is kept duly open at and for the proper times, and that it is at all times duly attended to by the Registrar or his Deputy, to settle on some uniform device for the official seals and to see that the Registrars supply them-

Appointment of Inspector, and his duties.

Inspection of
new Indexes.

Reporting
vacancies

Sufficiency or
insufficiency of
sureties.

selves therewith, to inspect the Abstract and Alphabetical indices when any such have been kept before this Act shall come into force, and to determine whether the same have or have not been substantially and sufficiently kept in accordance with the requirements of sections thirty and thirty-one of this Act, and if so to settle the amount of fees chargeable therefor, and to certify the same; also to inspect all new Abstract and Alphabetical Indices and to settle and certify the sums chargeable therefor under this Act; and it shall also be his duty to ascertain whether the proper plans required by this Act have been filed in the several Registry Offices, and when necessary, to enforce the provisions of the law in that respect, and he may instruct the County Attorney to take the necessary proceedings for that purpose, and also to report upon any vacancies by death or otherwise, in the offices of Registrar and Deputy Registrar, and he shall inform the Registrar how and in what manner he shall do any particular act or amend or correct whatever he may find amiss; in case he shall find the work improperly performed by any Registrar he shall have power to order a new Book or Books to be prepared and completed by the Registrar at his own expense, and he shall also ascertain the sufficiency or insufficiency of the sureties for the Registrar, and whether they are living or dead, and he shall report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision.

Title;

85. No part of this Act shall be read or relied upon to aid or effect the construction of any Statute heretofore in force.

Appendix.

86. This Act may be cited as the "Registration of Titles (Ontario) Act;"

87. The following is the Appendix, and contains the forms referred to in the foregoing sections of this Act.

FORM A.

Referred to in the ninth section of this Act.

Know all Men by these presents that we, A. B. Registrar of
Esq., and C. D. of Esq., and E.
F. of Esq., do hereby jointly and severally for our
and each of our heirs, executors and administrators, covenant and
promise, that the said A. B., as Registrar of shall well,
truly and faithfully perform the duties and obligations of his office as
such Registrar, and that neither he nor his Deputy shall negligently or
wilfully misconduct himself in his said office to the damage of any
person or persons whomsoever; nevertheless, it is hereby declared that
no greater sum shall be recovered under this covenant against the sev-
eral parties hereto than the following, that is to say, against the said
A. B. in the whole, \$ [the amount fixed by Order in Council]
against the said C. D. and E. F., \$, respectively [the amount
fixed by Order in Council for each.]

In witness whereof we have hereunto set our hands and seals this
day of _____ A. D. 18

Signed, sealed and delivered in presence of

FORM B.

Referred to in the ninth section of this Act.

County of } I, A. B., the _____ the covenantor in the annexed
To wit : } covenant named (or, one of the sureties in the
annexed covenant named, make oath, and say as
follows :

I am seized and possessed to my own use of real, (or real and personal) estate in Ontario, of the actual value of \$ _____, over and above all charges upon, or incumbrances affecting the same.

Sworn before me at _____, in the County of
this _____ day of _____, A. D. 18

FORM C.

Referred to in the thirteenth Section of this Act.

ONTARIO.

County of } I [name and describe deponent], having been appointed
To wit : } by the Lieutenant-Governor to the office of Registrar, in
and for the [name of registration county, &c.,] do swear
that I will well and truly and faithfully perform and execute
all duties required of me, under the laws of this Province,
pertaining to the said office, so long as I continue therein,
and that I have not given directly or indirectly, nor authorized any person to give any money, gratuity or reward whatsoever for procuring the said office for me.

Sworn before us at _____, the _____ day of
_____, A. D. 18

A. B., J. P., }
C. D., J. P., } In and for the said County.

FORM D.

Referred to in the Twenty-fourth Section of this Act.

This Register contains _____ pages exclusive of index, and is to be used in and for the City (Town, incorporated Village or Township,) of _____, in the County of _____, for the enregistration of memorials, duplicates and other instruments under the provisions of the Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to lands in Ontario, and is provided in pursuance of the requirements of the said statute.

Dated this _____ day of _____, A.D. 18

A. B., Judge of the County Court of _____ or,
A. B., Warden of the County of _____

FORM E.

Referred to in sub-section five of the thirty-eighth section of this Act.

County of _____ } the _____ of _____, of
To Wit. } County of _____, in the
_____ and say : _____ make oath

1st. That I was personally present and did see the annexed (or within) and duplicate duly signed, sealed and executed by and the parties thereto.

2d. That the said _____ and duplicate were executed
at the _____ of _____

3d. That I know the said parties (or one or more of them, according to the fact.)

4th. That I am a subscribing witness to the said
(and duplicate, according to the fact.)

FORM F.

Referred to in the forty-fifth Section of this Act.

ONTARIO.

I,
Judge of the County Court of the County of
To wit:, certify that I am satisfied from the proof
adduced by (*name the person producing the proof and state*
the evidence given) with the due execution of the within
Instrument, or of the Instrument whereof the within is a
Copy, (*Memorial or Duplicate, as the case may be.*) As
witness my hand, at
the _____ day of _____

A. D. 18

A. B.,

Judge of the County Court of

Signed in the presence of

A. B.,

Clerk of the County Court of the County of

Seal of office.

FORM G.

Referred to in the fifty-third Section of this Act.

I certify that the within _____ is duly entered and
registered in the Registry Office for the _____ of the County
of _____ in Book _____ for the _____
at _____ o'clock _____, of the _____ day of _____
A.D. 18 _____

Number

Registrar.

Deputy Registrar.

FORM II.

Referred to in the fifty-sixth section of this Act.

Entered and Registered this day of
A.D. 18 , at o'clock.

FORM I.

Referred to in the Fifty-seventh Section of this Act.

I certify that in a suit or proceeding in Chancery (or in the County Court of on its equity side, *as the case may be*) between A. B. of and C. D. of some title or interest is called in question in the following lands (*stating them*).

Dated at (*stating date and place*.)

FORM J.

Referred to in the sixtieth section of this Act.

To the Registrar of the County of I , of , do certify that hath satisfied all money due on, or to grow due on (or hath satisfied the sum of \$) mentioned in a certain mortgage made by of , to which mortgage bears date the day of A.D. 18 , and was registered in the Registry Office for the County of , on day of , A.D. 18 , at minutes past o'clock noon, in Liber for as No. (*here mention the day and date of registration of each assignment thereof, and the names of the parties,—or mention that such mortgage has not been assigned, as the fact may be*) and that I am the person entitled by law to receive the money, and that such mortgage, (or such sum of money as aforesaid, or such part of the lands as is herein particularly described,) that is to say is therefore discharged.

Witness my hand this day of A.D. 18

A. B.

Two Witnesses.

of	A. B.	} <i>Stating Residence and occupation.</i>
	and	
of	C. D.	

SCHEDULE K.

Referred to in the thirtieth Section of this Act.

Township of Yarmouth, Lot No. , in the 1st Concession.

1	2	3	4	5	6	7	8	9
No. of Instrument.	Instrument.	Its Date.	Date of Registry.	Grantor.	Grantee.	Quantity of Land.	Consideration or amount of Mortgage.	REMARKS.
54	Patent.	21st February, 1820.	.....	Crown	John Jones.....	All of said Lot		
72	B. & S.	10th January, 1835.	11th January, 1835...	David Brown and wife.	George Smith	N. $\frac{1}{2}$.		
460	B. & S.	30th May, 1830.....	15th May, 1833.....	John Jones and wife..	David Brown.....	N. $\frac{1}{2}$.		
461	B. & S.	23rd June, 1840.....	23rd June, 1840.....	George Smith.....	Charles Gates.....	N. $\frac{1}{2}$.		
490	M.	Do. do.	Do. do.	Charles Gates and wife.	George Smith	N. $\frac{1}{2}$ con. \$500.		
1009	B. & S.	20th October, 1841...	20th October, 1841...	John Jones and wife.	Charles Gates.....	S. $\frac{1}{2}$.		
2560	D. M.	23rd June, 1842.....	1st July, 1842.....	George Smith.....	Charles Gates.....	N. $\frac{1}{2}$.		
2875	B. & S.	25th April, 1855.	1st May, 1856.....	Charles Gates and wife	Alexander Erie.....	All.		
	B. & S.	1st May, 1860	1st May, 1860.....	Alexander Erie.....	John McIntosh.....	E. $\frac{1}{2}$ of the N. $\frac{1}{2}$ or N. E. $\frac{1}{4}$.		

SCHEDULE I.

Alphabetical Index referred to in Section thirty-one of this Act.

No. of Memorial.	GRANTOR.	GRANTEE.	No. of Memorial.	GRANTEE.	GRANTOR.
	A.				A.
1011.....	Abbott, George.....	Black, John.....	1029.....	Appleton, James.....	Buck, Peter
1015.....	Allen, William.....	Cook, Edward.....	1039.....	Angus, Robert.....	Cooms, Joseph.
1017.....	Anderson, James.....	Smith, Thomas.....	1055.....	Anson, William.....	Whalks, Jane.
	B.				B.
1004.....	Bernard, John.....	Green, Edward.....	1011.....	Black, John.....	Abbott, George.
1020.....	Burns, Robert.....	Cassels, George.....	1070.....	Benson, Jessie.....	Crooks, Nelson.
1029.....	Buck, Peter.....	Appleton, James.....	1098.....	Burrows, Joseph.....	Hinds, Henry
	C.				C.
1039.....	Cooms, Joseph.....	Angus, Robert.....	1015.....	Cook, Edward.....	Allen, William.
1048.....	Coffee, Richard.....	Ingram, Benjamin.....	1020.....	Cassels, George.....	Burns, Robert.
1070.....	Crook, Nelson.....	Benson, Jessie.....	1118.....	Castor, Simeon.....	Phillip, Richard.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to Lands in Ontario.

First Reading,	January 28, 1868.
Second Reading,	" 1868.

THE HON. ATTORNEY-GENERAL,
J. S. MACDONALD.

TORONTO:
Printed by Samuel Beatty.

2
3

24 July

24

No. 66.]

BILL.

[1868.

An Act respecting the Grand River Navigation Company.

WHEREAS, by an Act passed in the session of Parliament, Preamble.
held for the late Province of Upper Canada, in the second
year of the reign of His late Majesty, King William the Fourth,
intituled "An Act to incorporate a joint stock company to im- 2 Wm 4, Cap
"prove the Navigation of the Grand River," The Grand River
Navigation Company was incorporated and certain powers and
authorities to hold real and personal estate, and to collect
and levy dues and tolls, and make, construct, manage and carry
on the works of the navigation of the said Grand River and con-
nected therewith; and to lease, sell, and manage the property of
the said Company, were vested in, and given to the said Grand
River Navigation Company, as in such Act and in and by divers
amendments thereof, is set forth and contained. And, whereas, by
an Act passed in the session of Parliament, for the late Province of
Canada, held in the fourteenth and fifteenth years of the reign of
Her present Majesty, Queen Victoria, intituled "An Act to 14 & 15 Vic.
"authorize the Grand River Navigation Company to raise, by Cap. 15.
"way of loan, a certain sum of money, and for other purposes
therein mentioned;" it was, amongst other things, enacted, that it Sec. 3.
should be lawful for the Town of Brantford in its corporate capa-
city, to lend its credit to the said Grand River Navigation
Company, by issuing the debentures of the said Town in such sum
or sums as might be agreed upon, by, and between the Directors
of the said Company, or a majority of them, and the Town Coun-
cil of the Town of Brantford, to the extent of Forty Thousand
Pounds currency, bearing interest not exceeding six per centum
per annum—such interest to be payable semi-annually, and the
principal in twenty years. And, by the said Act, it was further Sec. 5.
nacted, that, for the security of the said Town of Brantford
against loss in so loaning its credit, the said debentures should
have the same effect as a mortgage upon all the property and
income of the said Grand River Navigation Company, in the
manner in the said Act more particularly set forth. And, where-
as, the provisions of the said last recited Act, were carried into
effect, and on the thirtieth day of December, one thousand eight
hundred and fifty-one, the said Town of Brantford issued there-
under, and according to the provisions of the same Act, its Debentures
debentures for the sum of forty thousand pounds, currency, issued for
payable at twenty years, at six per centum per annum interest, £40,000.
payable semi-annually; and the same debentures were received
by the said Grand River Navigation Company accordingly, to be
applied as directed by the said Act, and the mortgage by the said
Act intended, was perfected. And, whereas, the said Grand Mortgage
River Navigation Company having made default in the payment perfected,
of the interest on the said debentures, the Corporation of the Town Default.
of Brantford, on or about the twenty-third day of August, one thou-
sand eight hundred and fifty-nine, filed its bill in the Court of Bill filed in
Chancery for Upper Canada, against the said Grand River Naviga- Chancery.
tion Company, for the foreclosure of the said mortgage, in which
suit divers proceedings were had, and orders and decrees made,

Final order of Foreclosure.

Questions as to construction of the Acts.

All the powers, &c., of the G. R. N. Company declared vested in the Corporation of Brantford.

Certain provisions inapplicable.

Proviso as to Acts, contracts and dealings subsequent to 30th Dec. 1851

Corporation of Brantford authorised to sell to any Company willing to purchase.

and ultimately, by a final order in the said suit, dated the twenty-fourth day of June, in the year of our Lord, one thousand eight hundred and sixty-one, and by divers other orders, decrees and proceedings in the said suit, the said Court of Chancery did order, that the said Grand River Navigation Company and the other defendants to the said suit should stand absolutely debarred and foreclosed, of and from all right, title and equity of redemption of, in, and to the mortgaged premises, in the pleadings in the said cause mentioned, being, in fact, the premises hereinbefore referred to: And, whereas, questions may arise on the construction of the said Acts, as to the effect of the said foreclosure, and as to the manner in which the said premises affected by the said mortgage hereinbefore set forth, or referred to, were, and are vested in the said Corporation of the Town of Brantford, and as to the rights, powers and authorities of the Corporation of the Town of Brantford, in respect of the same. And, whereas, the Corporation of the Town of Brantford has, by its petition, asked for this Act, and it is expedient to grant its prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, declares and enacts as follows:

1. From and after the date of the foreclosure in the recital to this Act mentioned, and under, and by virtue thereof, the provisions of the said statutes, 2 Wm. IV., chapter 13, and the Acts amending the same, and all the powers, franchises, and authorities by the same Acts conferred upon the Grand River Navigation Company became, were, and are vested in, conferred upon, and exercisable by the Corporation of the Town of Brantford, and thereupon, the said Corporation of the Town of Brantford, by its council, agents, servants, and workmen became, were, and are capable of executing and carrying out the matters and things contemplated in and by the same Acts: But nevertheless, such of the provisions thereof as refer to the formation of a company thereunder, and the constitution and election of a board of directors thereof, and of the raising of the stock thereof, and the conduct and management of the affairs thereof by a board of directors to be chosen thereunder, and all other provisions of the said Acts, which were and are inconsistent with the provisions of this Act did not, and do not apply, and are not to apply, to the said Corporation of the said Town of Brantford, which, under its said suit in Chancery and the matters aforesaid, was and is empowered to conduct and manage the Grand River Navigation and other the premises in the said mortgage comprised, under its own organization as a municipal Corporation: provided nevertheless, that as regards all acts, contracts, and dealings with the property and effects, matters, and things covered by the said mortgage, which were made, or entered into, or took place between the thirtieth day of December, one thousand eight hundred and fifty-one, and the date of the final order of foreclosure aforesaid, it is not intended that this Act shall impose any liability on the said Corporation of the Town of Brantford, nor shall any such acts, contracts, or dealings, be binding on the said Corporation of the Town of Brantford.

2. The said Corporation of the Town of Brantford may, at any time, sell and convey, on such terms as may be agreed upon in that behalf, all its said estate and interest in the said Grand River Navigation and other the premises in this Act mentioned or referred to, to any company willing to purchase

the same, and may allow any portion of the purchase money to remain on mortgage of the said Navigation and other the premises so sold and the improvements thereof for such a period, and on such terms, as may be agreed upon in that behalf. And the grant and conveyance by the said Corporation of the Town of Brantford to the said Company so purchasing its said estate and interest sold, shall have the effect of vesting in the said Company so purchasing, its successors and assigns, all the powers, franchises, authorities, and liabilities, of the said Corporation of the Town of Brantford, in reference to the said Navigation and other the premises, which shall then under this Act, or otherwise be vested in the said Corporation of the Town of Brantford; subject, nevertheless, as to the said power, franchises, authorities, and liabilities, to any special provisions or limitations to be contained in any such grant and conveyance: ^{Grant and conveyance—Effect of} Provided always, that no such grant and conveyance as aforesaid shall be made and executed, until the said proposed Company shall have actually expended the sum of thirty thousand dollars, ^{Subject to any special provisions.} at the least, out of the capital stock of the same Company, in the improvement of the said Grand River Navigation and the works thereof. ^{Proviso—No conveyance to be executed until \$30,000 expended by proposed Company.} Nor shall any such grant and conveyance affect or include the lands and premises granted to the said Corporation of the Town of Brantford, by a certain patent dated the twenty-sixth day of June, 1864, being certain lands and premises at or near the village of Cainsville. ^{Grant not to include lands in Cainsville.}

3. The said Corporation of the Town of Brantford may, from time to time, invest or apply any moneys in its hands, or in the hands of its Treasurer, or of any one on its behalf, in, and towards the maintenance or improvement of the said Grand River Navigation and the works thereof. ^{Corporation of Brantford may invest moneys for improvement of the G. R. N. and works.}

4. It shall be lawful for the requisite number of persons to become incorporated, by the name of "The Brant and Haldimand Navigation Company," under the provisions of the statute passed in the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, intituled "An Act to authorize the granting of Charters of Incorporation to Manufacturing, Mining and other Companies," for the purpose of purchasing, enlarging, improving, and working the said Navigation and other the premises, which statute, as modified by this Act, is to be applicable to the said Company so to be incorporated, as aforesaid. ^{Name of new Incorporation 27 & 28 Vic., cap. 23.}

5. The said proposed Company, after its incorporation under the last preceding section, may purchase from the Corporation of the Town of Brantford, the said Grand River Navigation and the works thereof, on the terms, and according to the provisions in this Act contained. ^{Company after incorporation may purchase.}

6. This Act is a Public Act.

Public Act.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act respecting the Grand River
Navigation Company.

PRIVATE BILL.

1st Reading, January 29, 1868.

Hon. E. B. WOOD.

TORONTO :

PRINTED BY SAMUEL BEATTY.

2
" 36 July 11
Consolidated with Bill (No 67)

No. 67.]

BILL.

[1868.

Amendment to Common Law Procedure Act.

WHEREAS it is expedient to amend the Common Law Procedure Act.

Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

That Section No. 271, Cap. 22, Con. Stat. Upper Canada be repealed, and the following substituted therefor.

Sec. 271 of
C. Con.
Stat. U. C.
Repealed.

" In case a part only be levied or made on, or by force of
" any execution against goods and chattels, the Sheriff shall be
" entitled to poundage only upon the amount so levied or made
" whatever, be the sum endorsed upon the Writ, and in case
" the personal estate of the defendant or defendants, be seized or
" advertised on, or under an execution, but not sold by reason
" of satisfaction having been otherwise obtained, or from some
" other cause, and no money be actually levied or made on, or by
" force of such execution; the Sheriff shall be entitled to the
" expenses of execution and poundage only on the value of the
" property seized :—Provided, also, in cases of Writs of execu-
" tion upon the same judgement to several Counties wherein
" the personal estate of the judgment, debtor or debtors, has
" been seized or advertised, but not sold by reason of satisfac-
" tion having been obtained under or by virtue of a Writ in
" some other County, and no money has been actually levied or
" made on such execution, the Sheriff shall not be entitled to
" poundage, but to mileage and fees only for the services actu-
" ally rendered and performed by him, and the Court out of
" which the Writ issued or any Judge thereof, may allow
" him a reasonable charge for such services, in case no special
" fee therefor be assigned on any table of costs."

Clause sub-
stituted there-
for.

[No. 67.]

1st Session, 1st Parliament, 31st Victoria, 1868.

A BILL

To amend Common Law Procedure
Act, respecting Sheriffs Poudage,

1st Reading, January 30th, 1868.

2nd Reading, 1868.

3rd Reading, 1868.

Mr. COYNE.

TORONTO:

Printed by Samuel Beatty.

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No. 68.]

5- Feb 11
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BILL.

[1868.

An Act to amend the Acts respecting Joint Stock Companies, for the construction of Roads and other Works, in Upper Canada.

WHEREAS, it is expedient to amend the eighty-seventh section of chapter forty-nine of the Consolidated Statutes of Upper Canada, relating to Joint Stock Companies, for the construction of Roads and other Works in Upper Canada, and the Acts amending the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Preamble.

Con. Stat. U. C.
c. 49, s. 87
amended.

1. Section eighty-seven, of Chapter forty-nine, of the Consolidated Statutes of Upper Canada, and the sixth Section of the Act passed in the twenty-ninth year of Her Majesty's reign, Chapter thirty-six, repealing said Section, are hereby repealed, and the following substituted in lieu thereof:

Con. Stat. U. C.
c. 49, s. 87 and
29 V. c. 36.
s. 6 repealed.

1. If the Directors of the Company or Municipal Council, after the service of such notice, refuse or neglect to put the road into such repairs that Her Majesty's subjects and others may not be impeded or endangered travelling thereon, within the period limited in the notice, then, from and after the expiration of such period and until such repairs be completed, neither the Directors nor Council, nor any person authorized by them, shall demand or take any toll from any person travelling with or without any beast or vehicle, for passing through the nearest Toll Gates, on either side of the portion or portions of road so reported to be out of repair.

Notice to repair.

Tolls not to be taken while road out of repair.

2. In case the said Road Company or Municipal Council owning such road, as aforesaid, do not cause the portion or portions of the road so out of repair, as aforesaid, to be put in a proper state of repair, within three months next after the expiration of the time fixed in the written notice to repair, so given by the Engineer in the manner provided in the said Act, the Road Company or Municipal Council, as the case may be, shall not demand or take any toll from any person travelling with or without beast or vehicle, for passing through the nearest two toll gates on or on either side of the portion or portions of the road so out of repair, under the penalty mentioned in the eighty-eighth section of the said Act, until the Engineer has again examined the Road, and certified it to be in good and efficient repair, and for every additional three months time respectively thereafter during which the said portion or portions of the said road shall not be put in a proper state of repair, to be certified by the Engineer or arbitrators in the manner provided herein, such Company or Municipal Council shall forfeit the right to demand or take toll for two additional toll gates, being those on either side of the toll gates in respect to which they had last before forfeited the right to take toll.

If Company do not repair after notice, tolls at certain gates not to be levied.

In case of question as to sufficient repair, Directors to appoint an arbitrator.

2. And, whenever the Directors of the Company or Municipal Council after the service of such notice, shall have put the road into such repair as that in their judgment Her Majesty's subjects are not impeded or endangered travelling thereon, and the Engineer refuses or neglects to accept the repairs as sufficient, or if the Directors or the Municipal Council are of opinion that the Engineer who has examined the road and certified or given notice that the same, or any part of it, is out of repair, ought not to have so certified or given notice, the Directors or Municipal Council may appoint an arbitrator, and give notice thereof in writing to the requisitionists upon whose application the order for examination of the road in question was issued, or to any two of them, calling upon them to appoint an arbitrator in the matter on their behalf, within six days after the service of such notice, and to notify the Directors or Municipal Council of such appointment; and in default thereof it shall be lawful for the Directors or Municipal Council themselves to appoint such second arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter: Provided always that in no case shall the Engineer, or a member of the Company or Council concerned be appointed or act as arbitrator; and provided further that a list of the requisitionists shall be furnished by the Judge upon a written request made to him by the Directors or Municipal Council.

3. If, after the two arbitrators have been appointed as aforesaid, they fail or neglect for the space of six days to appoint a third arbitrator, the Judge of the County Court of the County within which such road lies, shall, within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator.

Arbitration.

4. The arbitrators, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath, (or in case of those who by law affirm, make and subscribe the following affirmation,) before any Justice of the Peace.

Oath to be taken.

"I, A. B. do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence, so help me God."

Which oath or affirmation shall be filed with the award.

Arbitrators to examine the road and make their award.

5. And the arbitrators shall within six days after the appointment of the third arbitrator, examine the said road and make an award in writing, that the road is in such repair that Her Majesty's subjects and others travelling thereon are not impeded or endangered; or if it be not in such repair they shall set forth specially what repairs are necessary to be made, and shall allow a reasonable time for so repairing the road, taking into consideration the facilities for obtaining the material to repair the road as required, and may permit the Directors of the Company or the Municipal Council to levy tolls while the repairs are being completed, as to them seems just and proper.

6. The award shall be in duplicate, one copy whereof shall forthwith be filed in the office of the First Division Court of the County in which the said road, or the greater part of it, is, and the other copy shall be served upon the President of the said road Company or upon the Head of the Municipal Council, as the case may be; and the award of the said arbitrators, or of any two of them, shall be final and binding on all parties.

Award to be in duplicate.

7. And at the expiration of the period so fixed by them or sooner, if required by the Directors of the Company or Municipal Council, the arbitrators shall examine the road, and if the repairs are completed as by their award required, they shall deliver a certificate to that effect to the Directors of the Company or Municipal Council, or if they find the repairs not completed they may, if they consider it just, extend the time for the completion of the repairs so required to be done by the award from time to time to such period as they deem proper, and notice of such extension shall be given to the Directors of the Company or the head of the Municipality; and the arbitrators may permit the Directors or the Municipal Council to levy, or may prohibit them from levying tolls while the repairs are being completed, as to them seems just and proper.

Examination and delivery of the road to the Directors, &c.

8. And the arbitrators shall assess and award the payment of the costs of the arbitration, by the Directors of the road Company, or the Municipal Council, or the petitioners, or in such proportion as against one or all of them, as to the said arbitrators seem just, and shall file a copy of the award for such costs in the First Division Court of the County in which the road, or the greater part of it, lies, and the said award shall thereupon become a judgment of the said Court, and the payment of the costs may be enforced by execution in the same manner as a judgment of the said Court.

Costs of arbitration.

9. In case of difference between the three Arbitrators, the decision of any two of them shall be conclusive.

Difference between arbitrators.

10. A fee, not exceeding four dollars per diem, for the time necessarily expended by them in the matter of the said Arbitration, shall be paid to each of the Arbitrators making the award, and shall be included in their award as part of the costs of the said Arbitration.

Fees to arbitrators.

11. The second section of the Act passed in the twenty-third year of Her Majesty's reign, chapter fifty-four, is hereby amended by striking out of said section the words, "to his satisfaction."

23 V. c. 54. s. 2. amended.

12. The Directors of the Company or Municipal Council may acquire, take, and hold any gravel bed, and may take and carry away stone or gravel from any lands lying within the township through or along which their road, or any portion thereof passes, for repairing the same, subject to arbitration in the manner provided in chapter forty-nine of the Consolidated Statutes of Upper Canada, in case the owner of the gravel bed or materials cannot agree with the Directors or Council as to the compensation to be paid therefor.

Company may acquire gravel beds, &c.

Proviso for arbitration, Con. Stat. U. C. c. 49.

Notwithstanding 28 V.c.23 s. 3, the interests of Companies may be sold under execution.

13. Notwithstanding the provisions of the first section of the Statute of the late Province of Canada, passed in the twenty-eighth year of Her Majesty's reign, intituled "An Act further to amend the Act respecting Joint Stock Companies for the Construction of Roads and other works in Upper Canada," the right and interest of any Joint Stock Road Company in or to any road or any part or parts thereof now or hereafter under the operation of said Section, may be sold under execution upon any judgment now or hereafter recovered against such Company, although the six months mentioned in said section shall have expired before such sale, or shall expire thereafter.

If purchaser repay Council as mentioned in 23 V. c. 23, s. 3, the road and right to collect toll to become vested.

14. The purchaser at such sale may, at any time within two years from the time of such sale, reimburse and pay to the Municipal Council mentioned in the third section of the said Statute all outlay made by the latter for the repair and maintenance of such road, or the part or parts thereof so purchased subsequently to the expiration of the said period of six months; and thereupon the head of such Municipal Council shall grant to the said purchaser a certificate to that effect, under his hand and the seal of the said Council, and upon, from and after the registration of such certificate in the Registry Office for the County or Riding in which such road or any part thereof is situate, such road, or the part or parts thereof so purchased shall become vested in and be the property of such purchaser, and the provisions of the said last mentioned Statute shall thenceforth cease to apply to or in respect of said road, or the part or parts thereof so purchased, as aforesaid, and the purchaser shall have the same right to collect tolls and all such other rights and privileges, and be subject to the same duties and obligations in respect to the said road, or the part or parts thereof so purchased, as if the said sale had taken place before the right to collect tolls had been suspended.

Inconsistent Acts repealed.

15. All Acts and parts of Acts inconsistent with any of the provisions of this Act are hereby repealed.

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No. 69.]

BILL.

[1868.

An Act to Incorporate the Bishop Strachan School.

WHEREAS, the Reverend John Langtry and others have, Preamble
by their petition, represented that they, with others, are
establishing a school for the education of girls in the City of
Toronto, under the name and title of the Bishop Strachan School.

And, whereas, the usefulness of the said school will be ex-
tended, and the purposes for which it is formed will be promoted
by an act of incorporation.

Therefore Her Majesty, by and with the advice and consent
of the Legislature of the Province of Ontario, enacts as follows :

1. There shall be established and constituted in the City of Corporate
Toronto a body, politic and corporate, under the name of "The body formed
Bishop Strachan School." under name
of The Bishop
Strachan
School.

2. That the Lord Bishop of the Diocese of Toronto, for the Names of
time being—The Reverend George Whittaker, Provost of Trinity parties form-
College, the Reverend John Langley, M. A., the Hon. John Hil- ed into corpo-
lyard Cameron, Charles J. Campbell, Esquire, Clarkson Jones, ration.
Esquire, and William Ince, Esquire and their successors, shall be
and are hereby constituted a body, politic and corporate, under
the name of the corporation of "The Bishop Strachan School," Perpetual
and shall have perpetual succession and a common seal, and succession
shall have power to add to their numbers and appoint their and a com-
successors, by election or otherwise, as may by the said corpora- mon seal.
tion be determined upon. Appointment
of successors

3. The said Corporation shall have power, at all times, to Power to hold
purchase and hold such real estate as may be necessary for the real estate
use and occupation of the said Corporation and the same to not exceeding
manage, sell or dispose of, and to acquire other lands in the in value \$10,-
stead of those sold; provided always, that the annual value of 000 per an-
the real estate held at any one time, shall not exceed the sum of num.
\$10,000.

4. The first Council of the said School, shall consist of the The first
Lord Bishop of the Diocese of Toronto for the time being, Council of
who shall be the President of the said Council, and sixteen said School
members to be elected at a meeting of the subscribers of the to be elected
said School, to be hereafter held under such rules and regulat- by the sub-
ions as the Provisional Committee of the said School now acting scribers to
in that behalf, shall deem expedient and adopt for that purpose. said School.

5. The said Council so to be elected as aforesaid, shall have Said Council
the control, management, and government of said School, and to have con-
shall have power to make rules, regulations, and By-laws, for trol and man-
the working and management thereof, provided, the same be agement of
not made contrary to law or the provisions of this Act, and said School
may also determine upon the number of said Council, which May decide
shall be considered a quorum thereof, and shall, in the absence upon the

number
which may
form a quo-
rum.
May appoint
an executive
committee.

of the said President, have power to appoint a Chairman to fill the office of President of said Council during the absence of the said President. And shall have power to appoint, from among themselves, an executive committee or committees, and all the acts and doings of said committee or committees shall have the full force and effect, as if the whole council had joined in such acts or doings.

Council may
increase or
reduce the
number of
said Council
by two-thirds
vote.

6. The said Council shall have power, from time to time to time, if they see fit so to do, to increase or reduce the numbers of the said Council, provided that in no case shall any alteration be made in the number of the said Council, unless by a vote of two-thirds of the members of the said Council at the time entitled to vote, under the rules and regulations to be framed and provided by the said Council.

Vacancy in
Council may
be filled.

7. In case of a vacancy occurring by death or otherwise, in the number of the said Council, it may be filled up in such manner as the said Council shall, by their rules and regulations made in that behalf, determine upon.

Corporation
to make re-
turn to Lieu-
tenant Gover-
nor when
required.

8. The said Corporation shall, when required by the Lieutenant-Governor of the said Province of Ontario, make a return of its property, real and personal, with such details and information as the said Lieutenant-Governor may require.

Public Act.

This Act shall be deemed a Public Act.

[No. 65.]
1st Session, 1st Parliament, 61st Victoria, 1868.

BILL.

An Act to Incorporate "The Bishop
Strachan School."

1st Reading, January 30, 1868.

FRED. CUMBERLAND, M.P.P.

TORO TO:

PRINTED BY SAMUEL BEATTY.

. An Act Respecting Dentistry. .

WHEREAS the profession of Dentistry is extensively practised in the Province of Ontario, and whereas it is expedient for the protection of the public, that there should by enactment be established a certain standard of qualification required of each practitioner of the said profession, and that certain privileges and protection should be afforded to such practitioners :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. That the persons named in Section 2 of this Act shall be incorporated and known as the Royal College of Dental Surgeons of Ontario.

2. That until other persons be appointed as hereinafter provided, Barnabas W. Day, of the City of Kingston; M. D. Curtis Strong Chittenden, of the City of Hamilton; Henry Tunstall Wood, of the Town of Picton; John O' Donnell, of the Town of Peterborough; Joseph Stuart Scott, of the Town of Cobourg, M. D.; Franklin Goodrich Callender, of the Town of Cobourg; George Van Nest Relyea, of the Town of Belleville; Antoine Denmark Lalonde, of the Town of Brockville; Charles Kahn, of the Town of Stratford, and James Bogart Meacham, of the Town of Brantford, shall be trustees and a Board of Examiners, of whom six shall be a quorum, to examine and grant certificates of license to practice Dental Surgery in this Province.

3. That two of the members of the said Board shall retire each year, which two shall be the two receiving the smallest number of votes taken by ballot for that purpose, by the members of the said Board.

4. Upon the retiring of any two members of said Board, as before provided, the remaining members of said Board shall at once proceed, at their first meeting thereafter, to elect by ballot one member to fill the vacancy, and in the case of the death or removal from the Province of any member of the said Board, another member to occupy the place of such deceased or removing member for the remainder of his term, from the said duly licensed practitioners, and the said Board shall provide by By-law for the election of one other member thereof by the said duly licensed practitioners, from the said practitioners; nothing herein contained rendering any retiring member ineligible for re-election.

5. The said Board shall appoint from among themselves a President, Treasurer, Secretary and Registrar, and such other officers as may be necessary to the working of this Act, and the rules and regulations of said Board.

Remuneration.

6. There shall be allowed and paid to each of the members of said Board such fees for attendances (in no case to exceed five dollars per day and such reasonable travelling expenses) as shall from time to time be allowed by said Board.

Funds payable to the Treasurer.

7. All moneys forming part of the funds of said Board shall be paid to the Treasurer, and shall be applied to the carrying of this Act into execution.

Curriculum of Studies to be fixed by the Board.

Students to be articulated. Examination and fees payable before License to practice.

8. The Board shall have power and authority to fix and determine from time to time a curriculum of studies to be pursued by students, and to fix and determine the period for which every student shall be articulated and employed under some duly licensed practitioner, and the examination necessary to be passed before said Board, and the fees to be paid into the hands of the Treasurer of said Board, before receiving a certificate of license to practise the profession of dentistry.

Sittings of the Board for examination of Students, &c.

9. The said Board may hold two sittings in every year for the purpose of examining students, granting certificates of license, and doing such other business as may properly come before them, such sittings to commence on the third Tuesday in July and January, in each and every year, which may be continued by adjournment from day to day, until the business before the said Board be finished, but no session shall exceed one week, said sittings to be held in the City of Toronto.

Who entitled to certificates.

10. All persons being British subjects by birth or naturalization, who have been constantly engaged for two years of established office practice next preceding the passing of this act in the practice of the profession of dentistry, shall be entitled to a certificate of Licentiate of Dental Surgery, upon their furnishing to the said Board satisfactory proof of their having been so engaged, and upon passing the required examination, and upon payment of such fees as may be authorized and fixed by the said Board, for the payment of which the Treasurer's receipt shall be sufficient evidence.

The Board to make Rules, Regulations and By-laws.

11. That the said Board shall at its first meeting, and from time to time thereafter, make such rules, regulations and by-laws as may be necessary for the proper and better guidance, government and regulation of said Board and said profession of Dentistry, as to fees and otherwise, and the carrying out of this Act; which said rules, regulations and by-laws, having been first published for two consecutive weeks in the Provincial Gazette, shall have the same force and effect as if they were embodied in this Act; any or all of such rules, regulations and by-laws being liable to be cancelled and annulled by an order of the Lieutenant-Governor of this Province.

Publication in the Provincial Gazette.

Fees payable before examination.

12. Every person desirous of being examined by the said Board, touching his qualifications for the practice of the profession of dentistry, shall at least one month before the sittings of said Board, pay into the hands of the Treasurer the required fees, and inclose and deliver to the Secretary the Treasurer's receipt for the same, together with satisfactory evidences of his apprenticeship, loyalty, integrity and good morals.

Certificate of License.

13. If the Board be satisfied by the examination that the person is duly qualified to practise the profession of Dentistry, and be further satisfied that he is a person of loyalty, integrity

and good moral character, they shall grant him a certificate of license and the title of Licentiate of Dental Surgery, which certificate and title shall entitle him to all the rights and privileges of this Act until such time as the Board shall be satisfied that he has been guilty of acts, detrimental to the interests of the profession, when he shall forfeit his certificate, and it shall be cancelled; such forfeiture may, however, be waived, and the said certificate of License and all rights and privileges thereunder, full revived by said Board, in such manner and upon such terms and conditions as to said Board may seem expedient.

Designation
of Title.

Forfeiture,
when.

14. Every certificate of license shall be sealed with the Corporation Seal and signed by the President and Secretary of said College; and the production of such certificate of license shall be *prima facie* evidence in all courts of law and upon all proceedings of whatever kind, of its execution and contents.

Certificate to
be under the
Corporate
seal.

15. The Secretary of the said Board shall, on or before the fifteenth day of January in each and every year, inclose to the Provincial Secretary a certified list of the names of all persons to whom certificates of license have been granted during the then next preceding year.

Certified lists
of Licenses
granted to be
enclosed to
the Provincial
Secretary an-
nually.

16. If any person, after the period of six months after the passing of this Act, not holding a valid and unforfeited certificate of license, practises the said profession of Dentistry for hire, gain or hope of reward, or wilfully and falsely pretends to hold a certificate of license under this Act, or takes or uses any name, title, addition or description implying that he is duly authorized to practise the profession, or shall falsely use any title representing that he is a graduate of any Dental College either in Great Britain or other countries, shall be guilty of a misdemeanor, and shall, upon summary conviction before any Justice of the Peace for any such offence, pay a sum not exceeding twenty dollars, and in default of payment of such penalty, on conviction, the offender may be committed to the common Jail of the County of which he is convicted, until the same is paid.

Persons prac-
ticing with-
out License
to be guilty
of misde-
meanor.

Penalty not
exceeding
\$20, upon
summary con-
viction before
any Justice.
In default of
payment, im-
prisonment.

And it is further provided that no such person shall recover in any Court of Law for any work done or materials provided by him in the ordinary and customary work of a Dentist.

Inability to
recover for
work done.

17. That nothing in this Act shall interfere with the privileges conferred upon Physicians and Surgeons by the various acts relating to the practice of Medicine and Surgery in this Province.

This Act not
to interfere
with Physi-
cians or Sur-
geons.

18. This Act shall be deemed a Public Act.

Public Act.

[No. 70.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act Respecting Dentistry.

First Reading January 30, 1868.

Dr. BOUITER.

TORONTO:

PRINTED BY SAMUEL BEATTY.

No. 71]

BILL.

[1868.

An Act respecting the collection of certain Taxes in the County of Hastings.

WHEREAS the County Council of the County of Hastings did, on the 14th day of June, A. D. 1865, ^{Preamble.} examine the Assessment Rolls of the different Townships and Villages in the County of Hastings, and forming part of the Corporation of the said County for the preceding financial year, for the purpose of ascertaining whether the valuation made by the Assessors in each Municipality represented in said County Council for the then current year, bore a just relation to the valuation made in all the said Municipal Corporations, and thereupon the said County Council, by a report of a Committee of the whole Council, and a resolution adopting the same, did equalise the said assessed values in the said several Municipalities as authorized by the provisions of the Statute in that behalf, and in such equalization so made, the County Council did fix the valuation for the Township of Thurlow at the sum of One Million and Sixty Thousand Dollars. ^{Assessment rolls examined.} ^{Equalizing Assessment.} ^{Valuation for Thurlow \$1,060,000.}

And whereas the amount payable to the Corporation of the County of Hastings by the Corporation of the Township of Thurlow, for taxes for the said year 1865, for the several purposes required by the said County, was the sum of Nine Thousand Six Hundred and Eighty-nine Dollars. ^{Amount payable by Thurlow \$9,689.}

And whereas, because the said equalization and apportionment was not made by By-law, the said Corporation of the Township of Thurlow refuse to pay, and resist the payment of the said Taxes so claimed, as aforesaid, and for that purpose have taken proceedings to restrain the collection of said Taxes. ^{Equalization not made under By-law.}

And whereas the other Municipalities in said County have acted on the said equalization and apportionment, and have paid their proportion of the taxes of the County, based upon the said equalization, and it is but just that the said Corporation of the Township of Thurlow should also pay their said assessment, ^{Payment by certain Municipalities.}

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows: ^{Equalization declared valid.}

I That the said equalization and apportionment so made of the valuations or assessments upon the several Corporations forming the Corporation of the County of Hastings, for the year of our Lord, 1865, upon the fourteenth day of June, aforesaid, by the said report and resolution in the recital to this Act mentioned, shall be and the same is hereby declared valid and binding to all intents, and for all purposes whatsoever, and for the collection of the said amount of Nine Thousand Six Hundred and Eighty-nine Dollars, being the Taxes based on the said valuation, and claimed from the Corporation of the ^{For collection of amount payable by Thurlow.} ^{Power to collect.}

Township of Thurlow, less such amount as may have been heretofore paid by such Corporation of Thurlow to the Corporation of the County of Hastings for County purposes for the year 1865, the Corporation of the County of Hastings shall have all the powers and rights given by the Act of the Parliament of the late Province of Canada, known as the "Assessment Act of Upper Canada," and of all the powers given by any other Act in that behalf for the Collection of Taxes in arrear and unpaid by Township Corporations to County Corporations, and that they may for that purpose proceed on any warrant now issued, or may issue any new warrant for the collection of said Taxes, unless the same are paid within one year from the passing of this Act.

Thurlow may
levy rate.

That it shall be lawful for the Corporation of Thurlow, with the taxes for the year 1868, to assess and levy the amount required for the purpose of paying the said sum now unpaid, to the Corporation of the County of Hastings for County purposes as aforesaid, and for that purpose may make a special rate on the Collector's Roll or otherwise, as they may think proper.

Taxes of Village of Trenton
uncollected.

And whereas, in several years now passed in assessing the Real Estate in the incorporated Village of Trenton, several blocks of land laid out in Village lots have been improperly assessed "en bloc," and by reason thereof the taxes on said lands have not been collected,

And whereas it is reasonable and proper that said lands should be charged with the Taxes assessed upon them,

As per Schedule.

And whereas the Council of the said Village have carefully considered and examined said Assessment, and have upon each of the said lots charged the proportion of such Taxes so in arrear, which rightfully should and ought to be paid in respect of each of said lots, and which roll forms a Schedule to this Act.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, also enacts as follows :

Schedule A
legalized.

1. That the assessment and apportionment made and apportioned as aforesaid, and as set forth and fixed in the said Schedule to this Act called Schedule A be and the same is declared to be legal and binding, and with the said amount shewn against each lot in the said Schedule, the same shall be charged,

Copy of said
Schedule to be
posted in Registry
Office,
County of
Hastings, &c.

2. That after the passing of this Act, the said Treasurer of the County of Hastings shall cause a copy of the said Schedule to be posted in the office of the Registrar of the County of Hastings, and in the office of the Clerk of the Corporation of the Village of Trenton, and in the office of the County Clerk of the said County, and he shall cause a notice to be published in some one or more newspapers published in the said County, in the form given in Schedule B to this Act, for one year consecutively, and if, after the expiration of said one year from the day of the first publication of said notice, any part of said taxes are still in arrears and unpaid, then the said Treasurer of the County of Hastings shall, and he is hereby authorized to proceed to sell the lands on which taxes are still so in arrears, in the same manner as if the said taxes had been properly assessed and had been and were in arrears for more

Form given.

In default of
payment lands
may be sold.

than five years before the taking of such proceedings to sell, and as to advertising, the costs of doing so, and the proceedings to sell and the sale, and the interest to be charged, the right of redemption, and the like, the giving of certificates of sale and deeds, all the provisions of the said Act of the Parliament of the Province of Canada, known as the "Assessment Act of Upper Canada" shall apply, and all the said proceedings, when so had, shall be legal and valid and binding upon all persons whomsoever, and all deeds and conveyances made upon and in pursuance of such sale or sales shall be valid and shall convey the property so sold in the same manner as upon a sale regularly and properly made under the said above mentioned Assessment Act.

As to advertising, &c., the U. C. Assessment Act to apply.

Deeds and conveyances to be valid.

3. That in case of payment of said Taxes, or any of them, after the passing of this Act, such payment shall be made only to the Treasurer of the County of Hastings.

To whom payment of Taxes hereafter shall be made.

SCHEDULE A. IN THE WITHIN ACT REFERRED TO.

A LIST SHOWING THE AMOUNT OF TAXES DUE UPON
THE NON-RESIDENT LANDS IN THE VILLAGE
OF TRENTON.

	No.	Am't.
West Wellington St.	3 1859, '60, '61 & '67....	5.02
" "	5 1867,.....	.75
" "	6 1867,.....	.75
" "	8 1863 to '67 inclusive...	16.49
" "	9 1863, '64 & '67.....	4.49
" "	10 1854, '65, '66 & '67....	4.31
" "	12 1862 to '66 inclusive...	19.68
" "	13 1859, '60, '61, & 63....	6.23
" "	14 1867.....	.62
" "	15 1862 to '67 inclusive...	8.42
" "	16 1854.....	1.08
" "	19 1854,.....	1.23
East "	1 1861 to '67 inclusive...	21.28
" "	2 1859 to 1864, & 67....	13.45
" "	3 1862 '63, '64, 66 & 67.	44.05
" "	5 1859, to '64, & 67.....	13.32
" "	6 1861 to '66.....	15.42
" "	7 1854, '56, '63 & 64....	6.78
" "	8 1867,.....	.62
" "	9 1854 to '62 incl'e & '67	18.71
" "	10 1863 & '67.....	2.58
" "	11 1854,.....	2.09
" "	12 1854, '55, '56, & '67....	4.28
" "	13 1859, '60, '61, '62 & '67	7.11
" "	14 1867.....	.62
" "	15 1854, '55 & '63.....	4.00
" "	19 1854 & '55.....	2.04
East Stanley St.	1 1862 to '67 inclusive...	5.58
" "	2 1867.....	.45
" "	3 1854, '63 & '67,.....	.74
" "	4 1862 & '63,.....	2.71
" "	6 1854, '55, 56.....	1.82
" "	7 1854, '63, 66 & 67,....	3.26
" "	8 1867,.....	.45
" "	9 1862, '63, '64, '65 & '67	4.02
" "	10 1854.....	.34
" "	11 1854, '55, '56, '63, '64.	3.64
" "	12 1863 & '67.....	1.42
" "	13 1867.....	.45
" "	14 1854 & '59 to '67 incl'v'e	11.11
" "	15 1854.....	.42
" "	16 1854.....	.27
" "	17 1854 & '63.....	1.25
West "	1 1854, '55, '56, '64.....	2.89
" "	2 1854, to '56, '62 '63 & '67	4.16
" "	3 1862 to '67 inclusive...	5.53
" "	5 1854, '55, '56.....	1.93
" "	6 1854, '55 & '56.....	1.93
" "	7 1867.....	.37
" "	8 1862 to '67 inclusive...	5.53
" "	9 1854, '63, '64 & '67....	2.69
" "	10 1854.....	.27

	No.	Am't.
West Stanley.	11 1854, '64 '65 & 66....	32.25
" "	12 1867.....	.37
" "	13 1862, '63, '64 & '67...	3.62
" "	14 1863.....	.97
" "	15 1863.....	.97
East Pelham St.	2 1854 & '59 to '67 incl'e	6.41
" "	4 1867.....	.35
" "	5 1854, '63 & '67.....	1.04
" "	6 1867.....	.35
" "	7 1854, '62, '63, '64 & 67	1.81
" "	9 1854.....	.34
" "	10 1854, '63 & '67.....	1.07
" "	11 1867.....	.35
" "	12 1854.....	.34
West Pelham St.	1 1867.....	.32
" "	3 1862, '63 & 67.....	1.00
" "	4 1862 to '67 inclusive...	2.68
" "	6 1867.....	.32
" "	8 1862, '63 & 67.....	1.00
" "	9 1862 to '67 inclusive...	2.68
" "	11 1854, '63 & 67.....	1.02
Block A. cor. of Rear & Bond Head St.,	1863 & '67.....	1,71
Block B. east of Rear & nor. of Metcalf St.	1863 & '67.....	2,25
Park Lots east of Rear St., 5 acres each...	2 1865.....	2,13
" "	3 1865.....	2,13
" "	4 1854, '56 to '58 '62 to '65	19,50
" "	5 1854, '56 to '67 inclusive	31.02
" "	6 1854 to '65 inclusive...	26.18
" "	7 1854 to '67 do.	21.02
" "	8 1854 to '65 do.	24.08
" "	10 1854 to '66 do.	30.39
" "	11 1854 to '67 do.	31.01
" "	12 1854 to '65 do.	26.48
" "	13 1854 to '67 do.	31.02
" "	14 '54, '56 to '58, '60, '61, '66 & '67	20.99
" "	15 1854, '56 to '67 inclusive	28.89
North Dundas St.	5 1854 to '65 inclusive...	33.26
" "	6 1864.....	2.40
" "	7 1854, '56 to '58 & '60 to '67	14.93
Johnston Maybie sup- posed owner.....	8 '54, '56 to '58 & '60 to '66 in	10.69
R. C. Smith, do.....	8 1862 to '65 inclusive...	6.52
	9 '54, '56 to '58 & '60 to '64 in	6.54
	10 '54, '56 to '58 & '60 to '64 in	6.54
	11 '54, '56 to '58 & '60 to '64 in.	6.54
	13 1854 to '63 in. & '66 & '67	26.58
	14 1863.....	1.55
	15 1863.....	1.55
In rear of a Block be- longing to J. V. Murphy, as shown on Rubridges Map.	12 1862, '63, '64 & '66....	3.36
	13 1862, '63 & '66.....	2.72
	14 1862, '63 & '66.....	2.72
	15 1862, '63 & '66.....	2.72
South Dundas St...	5 54, 56 to 58 60 to 62, 64 to 66	7.55
" "	6 1854, '56, '57, '58, 60 to 66	8.71
" "	7 1854, '56, '57, '58, 60 to 66	8.71
" "	8 1854, '56 to '60 & '64 to '66	5.75
" "	12 1854, '56, '57, '58, '59, '60	1.06
" "	13 1854, '56 to '60 & '64..	5.64
" "	14 1854, '56 to '65 incl'sive	10.60
" "	15 1854, '56 to '65 do.....	11.87

	No.	Am't
South Dundas St.	16 1854, '56 to '65 do....	11.87
" "	18 1859.....	.45
" "	19 1859.....	.45
" "	20 1859.....	.45
North Wilkins St.	5 1854, '56to'58&'60to'66	8.73
" "	6 1854, '56to'58&'60to'66	8.73
" "	7 1854, '56to'58&'60to'66	8.73
" "	8 1854, '56to'58&'60to'66	8.73
" "	9 1854, '56 to '67 inclusive	18.86
" "	10 1854, '56 to '67 do....	18.86
" "	13 1854, '56, '57, '58, '60..	6.34
" "	14 1854, '56to58,'60'62to65	9.98
" "	15 1854, '56to'58'60'62to65	9.98
" "	16 1854, '56to58'60'62to65	9.98
South Wilkins St.	7 1854, '56'57to63,'65to67	12.08
" "	8 1854, '56,'57to63,65to67	12.08
" "	5 1863.....	.78
" "	6 1862, '63, '65, '66....	3.41
" "	9 1854, '56 to 58, '60 to'64	5.03
" "	10 1854, '56 to '58, '60to'64	5.03
" "	11 1854, '56 to'58, '60 to'64	5.03
" "	12 1854, '56 to 58, '60to'64	5.03
" "	13 1854, '56 to '64, '66&'67	12.29
" "	14 1854, '56 to '64, '66&'67	12.29
" "	15 1854, '56 to '64, '66&'67	12.29
" "	16 1854, '56 to 64, '66&'67	12.29
North Shuter St.	5 1854, '56to61'63'64to67	10.28
" "	6 '54, '56to'61&'63to65,'67	11.08
" "	7 1854, '56to'61&'63to'67	12.25
" "	8 1854, '56 to'61&'63to'67	12.25
" "	9 1854, '56to58,'60to64	6.16
" "	10 1854, '56 to'58, '60to'64	5.03
" "	11 1854, '56 to '58, '60to64	5.03
" "	12 1854, '56 to '58 '60 to'64	5.03
" "	13 1854, to '67 inclusive..	13.03
" "	14 1854, to '67 do	13.03
" "	15 1854, to '67 do	13.03
" "	16 1854, to '67 do	13.03
South Shuter St.	5 1854, '56 to 61 & 63 ..	5.21
" "	6 1854 to '58, & '60 to '63	5.21
" "	7 1854 to '58, & '60 to '63	5.21
" "	8 1854 to'58, & '60, '61, '63	5.21
" "	9 1854, '56 to '67 inclusive	12.22
" "	10 1854, '56 to '67 do...	12.22
" "	11 1854, '56 to '67 do...	12.22
" "	12 1854, '56 to '67 do...	12.22
" "	14 1862, '63, '67.....	1.54
" "	15 1862, '63, '67.....	1.54
" "	16 1854 to 58, & '60 '61 ..	5.65
South McGill St.	5 1854, '56 to '67.....	10.36
" "	6 1854, '56 to '67.....	10.36
" "	7 1854, '56 to '67.....	10.36
" "	8 1854, '56 to '67.....	10.36
" "	9 1862, '63.....	.67
" "	10 1854 to '68, & '60 to '63	3.10
" "	11 1854 to '58, & '60 to '63	3.10
" "	12 1854 to '58, & '60 to '63	3.10
" "	13 1859 to 1867 inclusive..	6.11
" "	14 1859 to 1867 do	6.11
" "	15 1859 to 1867 do	6.11
" "	16 1859 to 1867 do	6.11
North McGill St.	5 1854 to '58, & '60 to '63	5.94
" "	6 1854 to '58, & '60 to '63	5.94

	No.	Am't
" "	7 1854 to '58, & '60 to '63	5.94
" "	8 1862, '63	1.70
" "	9 1854, '56, & '67 inclusive	12.23
" "	10 1854, '56 to '67 do ..	12.23
" "	11 1854, '56 to '67 do ..	12.23
" "	12 1854, '56 to '67 do ..	12.23
" "	13 1854, 56-7-8, 60-1-3, 5-6-7	8.49
" "	14 1854 to '58, 60, 61, 65 to '67	7.33
" "	15 1854, '56-7-8, 60-1, 65-6-7	7.33
" "	16 1854, 56-7-8, 60, 61, 65, 66	6.83
North Ragg St.	5 1854, '56 to '67 inclusive	10.36
" "	6 1854, '56 to '67 do..	10.36
" "	7 1854, '56 to '67 do..	10.36
" "	8 1854, '56 to '67 do..	10.36
" "	9 1862, '63	67
" "	10 1854, '55 to '58, & '60 to '63	3.10
" "	11 1854, '55 to '58, & '60 to '63	3.10
" "	12 1854, '55 to '58, & '60 to '63	3.10
" "	13 1859 to '61, & '63 to '67	4.99
" "	14 1859 to '61, & '63 to '67	4.99
" "	15 1859 to '61, & '63 to '67	4.99
" "	16 1859 to '61, & '63 to '67	4.99
East Queen St.	9 1854, '56 to 1862	8.63
" "	10 1854, '56 to 1862	8.63
" "	11 1854, '56 to 1862	8.63
" "	12 1854, '56 to 1862	8.63
West Front St.	9 1854 to '58, & '60 to '62	8.23
" "	10 1854 to '58, & '60 to '62	8.23
" "	11 1854 to '58, & '60 to '62	8.23
" "	12 1854, '56 to '58, & '60 to '62	8.23
East Front St.	9 1854, '56 to '66 inclusive	10.07
" "	10 1854, '56 to '66 do...	10.07
" "	11 1854, '56 to '66 do...	10.07
" "	12 1854, '56 to '66 do...	10.07
" "	13 1854, '56 to '58, & '60 to '67	4.75
" "	14 1854, '56 to '58, & '60 to '67	4.75
" "	15 1854, '56 to '58, & '60 to '67	4.75
" "	16 1854, '56 to '58, & '60 to '67	4.75
" "	1 1854, '56 to '58, & '60 to '67	11.17
" "	2 1854, '56 to '58, & '60 to '67	11.17
" "	3 1854, '56 to '58, & '60 to '67	11.17
" "	4 1854, '56 to '58, & '60 to '67	11.17
" "	5 1854, '56 to '58, & '60 to '67	4.67
" "	6 1854, '56 to '58, & '60 to '67	4.67
" "	7 1854, '56 to '58, & '60 to '67	4.67
" "	8 1854, '56 to '58, & '60 to '67	4.67
East Flora St.	1 1854, '56 to '58, & '60 to '67	4.45
" "	2 1854, '56 to '58, & '60 to '67	4.45
" "	3 1854, '56 to '58, & '60 to '67	4.45
" "	4 1854, '56 to '58, & '60 to '67	4.45
" "	5 1854, '56 to '58, & '60 to '67	2.70
" "	6 1854, '56 to '58, & '60 to '67	2.70
" "	7 1854, 56-7-8, 60-1-2-3-5-7	2.51
" "	8 1854, 56-7-8, 60-1-2-3-5-7	2.51
" "	9 1854, '56 to '67 inclusive	12.81
West Flora St.	1 1854, '56 to '58, & '60 to '67	11.17
" "	2 1854, '56 to '58, & '60 to '67	11.17
" "	3 1854, '56 to '58, & '60 to '67	11.17
" "	4 1854, '56 to '58, & '60 to '67	11.17
" "	5 1854, '56 to '58, & '60 to '67	4.97
" "	6 1854, '56 to '58, & '60 to '67	4.97
" "	7 1854, '56 to '58, & '60 to '67	4.97
" "	8 1854, '56 to '58, & '60 to '67	4.97

	No.	Am't
" "	9 1854, '56 to '59, & '60 to '67....	10.32
" "	10 1854, '56 to '59, & '60 to '67....	10.32
" "	11 1854, '56 to '59, & '60 to '67....	10.32
" "	12 1854, '56 to '59, & '60 to '67....	10.32
" "	13 1854, '56 to '58, & '60 to '67....	4.75
" "	14 1854, '56 to '58, & '60 to '67....	4.75
" "	15 1854, '56 to '58, & '60 to '67....	4.75
" "	16 1854, '56 to '58, & '60 to '67....	4.75
West Water St.	10 North $\frac{1}{2}$, 1856.....	3.72
" "	5 1859.....	4.52
" "	7 1859 to 1863, inclusive.....	30.28
East Water St.	5 1862.....	5.88
" "	7 1862 to '64, & 1853.....	18.62
" "	12 1862 to '67 in. (C.Craig).....	15.89
" "	8 1859 to 1860, 1862, 1864 & 1866.	14.58
North of and adjoining Dean's drug store.....	1854, 1856 to 1858, & '60 to '61..	18.65
South of and adjoining Dean's drug store.....	1854, '56 to '58, & '60, '61 & '64.	24.65
West Water Street and adjoining S. Cooley, 37 $\frac{1}{2}$ feet front.....	1862.....	5.88
In rear of the above, and west of Accommodation Street...	1862, 1864.....	3.39
West Fifty Foot St.	4 1853.....	.88
" "	5 1853.....	.88
" "	6 1853, 1863, '65 & '66.....	5.45
" "	7 1853.....	.88
East Fifty Foot St.	7 1862 to '64.....	5.80
" "	8 1863 & '64.....	3.47
" "	9 1862 & '63.....	2.33
East Thirty-three Foot Street.....	4 1853.....	.88
" "	5 1853.....	.88
" "	6 1853.....	.88
" "	7 1853.....	.88
West Thirty-three Foot Street.....	4 1853.....	.88
" "	5 1853.....	.88
" "	6 1853.....	.88
" "	7 1853.....	.88
South Ridgway St.	10 1858, & 1861 to '64.....	11.14
" "	11 1858, & 1861 to '64.....	11.14
" "	12 1858, & 1861 to '64.....	11.14
" "	13 1858.....	3.60
" "	15 1858.....	3.60
North Ferry St.	2 1858, & 1860 to '65 & '67.....	30.34
" "	3 1853, 1860 to 1864.....	28.32
" "	4 1858, 1860 to 1865.....	30.22
South Ferry St.	1 1858, '60, '64 inclusive.....	17.02
" "	2 1858, '60 to '65 & '67.....	25.90
" "	3 1858, '60 to '64.....	17.02
" "	4 1858, '60 to '67 inclusive.....	23.48
" East $\frac{1}{2}$ of..	5 1862, '63, '65, '66 & '67.....	5.37
East Front St.	16 1854, '56, '57, & '58.....	3.60
" "	17 1854, '56 to '58.....	3.60
" "	18 1854, '56 to '58 '62 to 64 & 66....	11.67
" "	19 1854, '56 to '68 '62 to '66.....	12.54
West "	18 1853 '59 to 65 & 67.....	19.76

	No.	Am't
West Front St.	21 1865.....	1.71
" "	22 1857.....	3.16
" "	24 1863, '66.....	5.46
East Queen St., West		
Trenton,.....	17 1862.....	.88
" "	18 1863.....	1.16
" "	21 1865 & '66.....	2.85
" "	22 1857.....	3.16
" "	25 1857.....	3.16
West Queen St., do.	17 1862 to '67.....	6.65
" "	18 1862 & '67.....	1.66
" "	21 1862 & '66.....	3.51
" "	22 1865 & '66.....	1.42
" "	25 1865 & '66.....	1.42
" "	26 1863 & '64.....	1.93
" "	27 1863 & '64.....	1.93
East Victoria St.	25 1864.....	.37
" "	26 1864.....	.37
" "	27 1864.....	.37
" "	28 1864.....	.37
West "	17 1865.....	1.49
" "	21 1862.....	.37
" "	22 1862.....	.37
" "	23 1862.....	.37
" "	24 1862.....	.37
" "	25 1862, '63, '64.....	1.40
" "	26 1863, '64.....	1.18
" "	27 1863 & '64.....	1.18
" "	28 1863 & '64.....	1.18
South Henry St.	13 1853 to '61, '63, '65 to '67	16.58
" "	14 1854 to 58, 60-2-3, 65 to 67	14.30
" "	15 1862 to '67.....	9.10
" "	16 1856.....	.22
South Spring St.	11 1853, '56, '61.....	5.05
" "	13 1862 & '67.....	1.66
" "	14 1867.....	.50
" "	15 1856, '57.....	2.50
West Francis St.	18 1866.....	2.61
" "	19 1866.....	2.61
" "	20 1866.....	2.61
" "	21 1854, '62.....	1.08
" "	22 1854, '62.....	1.08
" "	23 1854, '62.....	1.08
" "	24 1862.....	.22
" "	25 1852, '63, '64.....	.97
" "	26 1862, '63, '64.....	.97
" "	27 1862, '63, '64.....	.97
East Francis St.	17 1854.....	.86
" "	18 1862, '63.....	.60
" "	19 1862, '63.....	.60
" "	20 1862, '63.....	.60
" "	25 1864.....	.37
" "	26 1864.....	.37
" "	27 1864.....	.37
East Rear	17 1858, '59 to '63 & '67..	7.48
" "	20 1854.....	.86
" "	21 1862.....	.29
" "	22 1862.....	.29
" "	23 1862.....	.29
" "	24 1862.....	.29
" "	25 1862, '63, '64.....	1.27
" "	26 1862, '63, '64.....	1.27

	No.	Am't
Store, Store House & Wharfeast Water & South Metcalf St..	1863, '67.....	71.46
The following Lands supposed to belong to the Estate of Henry Lemesuir, 1st Bl'k South Dundas.		
" "	18 1854, '55, '56 & '58 to '67 in.	5.11
" "	19 1854, '55, '56 & '58 to '67 "	5.11
" "	20 1854, '55, '56 & '58 to '67 "	5.11
North Wilkins St.	17 1854, '55, '56 & '58 to '67 "	5.11
" "	18 1854, '55, '56 & '58 to '67 "	5.11
" "	19 1854, '55, '56 & '58 to '67 "	5.11
" "	20 1854, '55, '56 & '58 to '67 "	5.11
2nd Block South	17 1854, '55, '56 & '58 to '67 "	5.11
" "	18 1854, '55, '56 & '58 to '67 "	5.11
" "	19 1854, '55, '56 & '58 to '67 "	5.11
" "	20 1854, '55, '56 & '58 to '67 "	5.11
North Shuter St.	17 1854, '55, '56 & '58 to '67 "	5.11
" "	18 1854, '55, '56 & '58 to '67 "	5.11
" "	19 1854, '55, '56 & '58 to '67 "	5.11
" "	20 1854, '55, '56 & '58 to '67 "	5.11
3rd Block South do.	17 1854, '55, '56 & '58 to '67 "	5.11
" "	18 1854, '55, '56 & '58 to '67 "	5.11
" "	19 1854, '55, '56 & '58 to '67 "	5.11
" "	20 1854, '55, '56 & '58 to '67 "	5.11
North McGill St.	17 1854, '55, '56 & '58 to '67 "	5.11
" "	18 1854, '55, '56 & '58 to '67 "	5.11
" "	19 1854, '55, '56 & '58 to '67 "	5.11
" "	20 1854, '55, '56 & '58 to '67 "	5.11
4th Block South	17 1854, '55, '56 & '58 to '67 "	5.11
" "	18 1854, '55, '56 & '58 to '67 "	5.11
" "	19 1854, '55, '56 & '58 to '67 "	5.11
" "	20 1854, '55, '56 & '58 to '67 "	5.11
North Ragg St.	17 1854, '55, '56 & '58 to '67 "	5.11
" "	18 1854, '55, '55 & '58 to '67 "	5.11
" "	19 1854, '55, '56 & '58 to '67 "	5.11
" "	20 1854, '55, '56 & '58 to '67 "	5.11
West of Rear St. and South of Dundas St. and adjoining the foregoing Blocks 1 acres more or less.	1854, '55, '58 to '67 inc'e	44.52
West Fifty Foot St.	11 1859 to '64, '66 & '67 "	23.13
" "	12 1854 to '64, '66 & '67 "	30.33
Old Wharf North Water St.....	11 1854 to '67 inclusive...	42.55
" "	12 1854 to '67 "	42.85
1 chain Square South of Ferry St. adjoining the Water, and East of & adjoining S. Cooley's wharf..	1854, '55 '56 '58 & '60 to '66	28.28
South King St.	13 1859, '60, '61, '63 & '64	8.34
" "	16 1859 to '66 inclusive...	14.90
" "	14 1862, '63 & '64 "	4.51
East Trenton.		
North East corner of Bridge & Water St.	1859, '60 & '62 to '67..	61.48

	No.	Am't
North Bridge St.	49 1865 & '67.....	5.28
South " "	13 1865 & '67.....	2.56
" " "	14 1865 & '67.....	2.56
" " "	15 1865, '66 & '67.....	7.43
" " "	19 1865 & '67.....	3.49
" " "	20 1865 & '67.....	4.13
West King St.	2 1865, '66 & '67.....	4.18
" " "	3 1865 & '67.....	1 26
" " "	4 1865 & '67.....	1.81
East Gilmour St.	9 1865 & '67.....	1.67
" " "	10 1867.....	1.00
" " "	11 1867.....	1.00
West Hawley St.	25 1865.....	.42
" " "	26 1865 & '67.....	1.18
North Water St. foundry	51 1862.....	19.60
South Water St., Red Store House.....	45 1862.....	9.80
West Water St. sixty-six feet front, fifty feet South East of Stone Foundry....	1864, '65, & '66.....	19.16
Adjoining J. Jeff's orchard and South of St. in rear D. Robin's Lot $\frac{3}{4}$ of an Acre.....	1865, '66 & '67.....	9.28
North of Spring St. in rear of E. P. Ford's Lot $\frac{1}{4}$ of an acre...	1865, '66 & '67.....	2.93
North corner of Marmora and Spring St.	1862.....	3.20
South east corner of Marmora & Spring St.....	1867.....	1.00
North west corner of Marmora & Spring St.....	1867.....	.62
North Ontario St.	1 1862, '63, '64, '65 & '67.....	17.02
" " "	2 1862, '63, '64, '65, '66, '67.....	19.62
South Ontario St.	1 1862, '63, '64, '65 & '67.....	6.41
" " "	2 1862, '65 & '67.....	2.59
The following Lands belonging to the Strachan Plot in Trenton.....		Am't
South Bay St.	21 1860 & '61.....	1.65
" " "	22 1860 & '61.....	1.65
" " "	23 1860 & '61.....	1.65
" " "	24 1860 & '61.....	1.65
" " "	25 1860 & '61.....	1.65
" " "	26 1860 & '61.....	1.65
North Bay St.	51 1863 & '64.....	3.25
" " "	52 1856, '63, '64, '65, '66 & '67.....	9.79
" " "	55 1867.....	1.87
" " "	56 1860, '61, '62.....	2.38
" " "	57 1860, '61, '62.....	2.28
" " "	58 1860, '61, '62.....	2.38
" " "	59 1860, '61, '62.....	2.38
" " "	60 1860, '61, '62.....	2.38
South John St.	61 1860, '61, '62, '63.....	3.96
" " "	62 1860, '61, '62, '63.....	3.96
" " "	63 1860, '61, '62, '63.....	3.96

	No.	Am't	Int.	Total
South John St.	64 1860, '61.....			2.50
" "	65 1867.....			.50
" "	68 1859, '63, '64, '65 & '66.....			9.28
" "	69 1863, '64.....			3.35
" "	70 1859, '60.....			2.39
" "	72 1855.....			.85
" "	73 1859, '60, '61.....			5.00
" "	78 1857, '58, '61, '63.....			16.09
" "	79 1857, to '61 & '63.....			25.05
North John St.	81 1855.....			.85
" "	83 1858, '59 & '60.....			9.56
" "	84 1860, '61, '63 & '64.....			5.84
" "	85 1863.....			2.70
" "	88 1863 & '64.....			8.31
" "	89 1864.....			.66
" "	90 1855, '60, '61, '62.....			4.23
" "	91 1860, '61, '62.....			3.38
" "	95 1855, '60, '61 '62, '63 & '64.....			7.06
" "	96 1855, '60, '61 & '62.....			4.23
" "	97 1860, '61 & '62.....			3.38
" "	98 1860, '61 & '62.....			3.38
" "	99 1854, '55, '57, '58, '59, 60, '61 & '62.....			10.40
" "	100 1854, '55, '57, '58, '59, 60, '61 & '62.....			10.40
" "	101 1859, 60, '61 & 62.....			5.10
South King St.	102 1860, '61, & '62.....			4.84
" "	103 1862.....			1.03
" "	104 1853 & '62.....			2.03
" "	105 1856, '62 & '64.....			3.70
" "	106 1860 & '61.....			3.85
" "	109 1856 & '62.....			3.17
" "	110 1862 & '64.....			2.03
" "	112 1863 & '64.....			5.99
" "	115 1858 & '60.....			9.34
" "	120 1865, '66 & 67.....			3.23
" "	111 1856 & '59.....			2.80
" "	116 1859, '60 & '61.....			14.83
" "	117 1859, '60 & '61.....			4.27
North King St.	105 1860, '61 & 62.....			5.80
" "	121 1862, '65, '66.....			4.64
" "	124 1863.....			6.50
" "	130 1856.....			1.92
" "	132 1856, '60, '61.....			5.99
" "	131 1856, '58, '61 '62, '63, '64, '65 & '67.....			14.43
" "	134 1856, '58, '60 '63, '64, '65, '66 & '67.....			9.17
" "	135 1858, '60, '63 to '67.....			7.25
" "	136 1856.....			2.31
" "	140 1862.....			1.00
" "	141 1862.....			1.00
South Heber St.	143 1862.....			.88
" "	144 1862.....			.88
" "	145 1858, '60, '62, '63 to '67.....			7.78
" "	146 1858, '60, '62, '63 to 67.....			7.78
" "	147 1862.....			.88
" "	148 1860, '61.....			2.95
" "	149 1858, '61 to '67 inclusive.....			11.33
" "	154 1860.....			.76
" "	156 1860.....			.76
" "	157 1860.....			.76
North Heber S.	162 1858, '59, '60, '61, '62, '63, '64, '65, '66.....			15.58
" "	164 1858, '59, '60, '61, '62 & '63.....			9.81
" "	165 1858, '59, '60, '61, '62 & '63.....			9.81
" "	170 1860, '61, 62 & 67.....			4.33
" "	171 1860, '61 & '62.....			3.83

	No.	Am't	Int.	Total
North Heber St.	172 1860, '61 & '62.....			3.83
" "	173 1860, '61 & '62.....			3.83
" "	176 1862.....			.88
" "	177 1862, '64, '65 & '67.....			2.50
" "	178 1858, '60, '61 & '62.....			4.85
" "	179 1860, '61 & '62.....			3.83
" "	180 1860, '61 & '62.....			3.83
South Crown St.	180 1860, '61 & '63.....			2.83
" "	182 1860, '61, '62, '63 & '64.....			4.58
" "	181 1860, '63.....			2.83
" "	183 1862, '63 & '64.....			1.29
" "	193 1864.....			.77
" "	194 1864.....			.77
" "	195 1860, '61, '62, '63, '64 & '66.....			7.14
" "	196 1858, '59, '60, '61, '62, '63 & '65.....			9.60
" "	197 1858, '59, '60, '61 & '62.....			6.81
" "	198 1860 to '66 inclusive.....			11.77
" "	199 1858, '60, '61, '63, '65.....			6.72
" "	184 1862, '63, '64, '65 & '67.....			3.47
" "	185 1862, '63, '65 & '67.....			2.99
" "	187 1862, '63.....			.81
" "	188 1862, '63, '65 & '67.....			2.99
" "	189 1862, '63, '65 & '67.....			2.99
" "	191 1863, '65, & '67.....			1.09
North Crown St.	201 1860, '61, '62 & '63 inclusive.....			3.56
" "	202 1860, '61, '62, '63, '65 & '67.....			6.71
" "	203 1860, '61, '62, '63 & '65.....			5.36
" "	204 1860, '61, '62, '63 & '65.....			3.56
" "	205 1860, '61, '62, '63 & '65.....			3.56
" "	206 1860, '61, '62, '63 & '65.....			3.56
" "	207 1860, '61, '62, '63, '66 & '67.....			6.48
" "	208 1858, '59, '60, '61, '62, '63 & '65.....			11.75
" "	209 1860, '61, '62 & '63.....			3.56
" "	211 1860, '61, '62 & '63.....			3.56
" "	212 1860, '61, '62 & '63.....			3.56
" "	213 1860, '61, '62 & '63.....			3.56
" "	214 1860, '61, '62 & '63.....			3.56
" "	215 1860, '61, '62 & '63.....			3.56
" "	216 1860, '61, '62 & '63.....			3.56
" "	217 1860, '61, '62 & '63.....			3.56
" "	218 1860, '61, '62 & '63.....			3.56
" "	219 1860, '61, '62 & '63.....			3.56
" "	220 1860, '61, '62 & '63.....			3.56
South George St.	221 1860, '61, '62 & '63.....			2.46
" "	222 1860, '61, '62 & '63.....			2.46
" "	223 1860, '61, '62 & '63.....			2.46
" "	224 1860, '61, '62 & '63.....			2.46
" "	225 1860, '61, '62 & '63.....			2.46
" "	226 1860, '61, '62 & '63.....			2.46
" "	227 1860, '61, '62 & '63.....			2.46
" "	228 1860, '61, '62 & '63.....			2.46
" "	229 1860, '51, '62 & '62.....			2.46
" "	231 1860, '61, '62 & '63.....			2.46
" "	232 1860, '61, '62 & '63.....			2.46
" "	233 1859, '60, '61 & '63.....			3.84
" "	234 1857, '60, '61, '62, '63, '65, '66 & '67.....			8.96
" "	335 1860, '61, '62, '63 & '65.....			3.10
" "	236 1860, '61, '62, '63, & '65.....			3.10
" "	237 1860, '61, '62, '63, & '65.....			3.10
" "	238 1860, '61, '62, & '65.....			3.02
" "	239 1860, '61, '62, '64 to '67.....			4.38
" "	240 1860 to '67 inclusive.....			4.99
North George St.	241 1862, '63, '64, '65 & '67.....			3.66

	No.		Am't	Int.	Total
North George St.	242	1864.....			.48
"	247	1862.....			.59
"	248	1860, '61 & '62.....			2.24
"	249	1860, '61, '62 & '65.....			2.88
"	250	1860, '61, '62 & '65.....			2.88
"	251	1860, '61, '62 & '65.....			2.88
"	252	1860, '61 & '62.....			2.24
"	253	1860, '61 & '62.....			2.24
"	254	1860, '61 & '62.....			2.24
"	255	1860, '61 & '62.....			2.24
"	256	1860, '61 & '62.....			2.24
"	257	1860, '61 & '62.....			2.24
"	258	1860, '61 & '62.....			2.24
"	259	1860, '61 & '62.....			2.24
"	260	1860, '61 & '62.....			2.24
South Queen St.	261	1860, '61 & '62.....			2.24
"	262	1860, '61 & '62.....			2.24
"	263	1860, '61 & '62.....			2.24
"	264	1860, '61 & '62.....			2.24
"	265	1860, '61 & '62.....			2.24
"	266	1860, '61 & '62.....			2.24
"	267	1860, '61 & '62.....			2.24
"	268	1860, '61 & '62.....			2.24
"	269	1860, '61, '62 & '65.....			2.88
"	270	1860, '60, '62 & '65.....			2.88
"	271	1860, '61, '62 & '65.....			2.88
"	272	1860, '61 & '62.....			2.24
"	277	1860, '63 & '64.....			1.26
"	278	1859, '60 '62, '63, '64, '65 & '67..			4.32
"	279	1859, '60 '62 '63, '64, '65 & '67..			4.32
North Queen St.	281	1860, '61 & '62.....			2.24
"	282	1860, '61 & '62.....			2.24
"	283	1860, '61 & '62.....			2.24
"	284	1860, '61 and '62.....			2.24
"	285	1860, '61 & '62.....			2.24
"	286	1860, '61 & '62.....			2.24
"	287	1860, '61, '62 & '63.....			2.32
"	288	1860, '61, '62, '63 & '66.....			5.35
"	289	1860, '61, '62 & '63.....			2.32
"	290	1860, '61, '62 & '63.....			2.32
"	291	1860, '61 '62 & '63.....			2.32
"	292	1860, '61, '62 & '63.....			2.32
"	293	1860, '61, '62 & '63.....			2.32
"	294	1860, '61, '62 & '63.....			2.32
"	295	1860, '61, '62, & '63.....			2.32
"	296	1860, '61, '62 & '63.....			2.32
"	297	1860, '61, '62 & '63.....			2.32
"	298	1860, '61, '62 & '63.....			2.32
"	299	1860, '61, '62 & '63.....			2.32
"	300	1860, '61, '62 & '63.....			2.32
South Nelson St.	301	1860, '61, '62 & '63.....			2.27
"	302	1860, '61, '62 & '63.....			2.27
"	303	1860, '61, '62 & '63.....			2.27
"	304	1860, '61, '62 & '63.....			2.27
"	305	1860, '61, '62 & '63.....			2.27
"	306	1860, '61, '62 & '63.....			2.27
"	307	1860, '91, '62 & '63.....			2.27
"	308	1860, '61, '62 & '63.....			2.27
"	307	1860, '61, '62 & '63.....			2.27
"	210	1860, '61, '62 & '63.....			2.27
"	311	1860, '61, '62 & '63.....			2.27
"	312	1860, '61, '62, '63, '64, '65 & '66.....			8.71
"	313	1860, '61, '62 & '63.....			2.27

	No.	Am't	Int.	Total
South Nelson St.	314 1860, '61, '62 & '63....	.....	.....	2.27
" "	315 1857, '60, '61, '62....	.....	.....	3.03
" "	316 1857, '60, '61 & '62....	.....	.....	3.03
" "	317 1860, '61, '62 & '63....	.....	.....	2.27
" "	318 1862, '63.....	.....	.....	.67
" "	319 1862.....	.....	.....	.59
" "	320 1862.....	.....	.....	.59
North Nelson St.	323 1862.....	.....	.....	.59
" "	324 1860 & '62.....	.....	.....	1.19
" "	325 1860 & '62.....	.....	.....	1.19
" "	326 1860, '61, & '62.....	.....	.....	2.19
" "	327 1860, '61 & '62.....	.....	.....	2.19
" "	328 1860, '61 & '62.....	.....	.....	2.19
" "	329 1860, '61 & '62.....	.....	.....	2.19
" "	330 1860, '61 & '62.....	.....	.....	2.19
" "	331 1860, '61 & '62.....	.....	.....	2.19
" "	332 1860, '61 & '62.....	.....	.....	2.19
" "	333 1860, '61 & '62.....	.....	.....	2.19
" "	334 1860, '61 & '62.....	.....	.....	2.19
" "	335 1861, '61 & '62.....	.....	.....	2.19
" "	336 1860, '61 & '62.....	.....	.....	2.19
" "	337 1860, '61 & '62.....	.....	.....	2.19
" "	338 1860, '61 & '62.....	.....	.....	2.19
" "	339 1860, '61 & '62.....	.....	.....	2.19
" "	340 1860, '61 & '62.....	.....	.....	2.19
" "	341 1860, '61 & '62.....	.....	.....	2.19
South Princess St.	342 1860, '61 & '62.....	.....	.....	1.99
" "	343 1860, '61 & '62.....	.....	.....	1.99
" "	344 1860, '61 & '62.....	.....	.....	1.99
" "	345 1860, '61 & '62.....	.....	.....	1.99
" "	346 1860, '61 & '62.....	.....	.....	1.99
" "	347 1860, '61 & '62.....	.....	.....	1.99
" "	348 1860, '61 & '62.....	.....	.....	1.99
" "	349 1860, '61 & '62.....	.....	.....	1.99
" "	350 1860, '61 & '62.....	.....	.....	1.99
" "	351 1860, '61 and '62.....	.....	.....	1.99
" "	352 1860, '61 and '62.....	.....	.....	1.99
" "	353 1860, '61 and '62.....	.....	.....	1.99
" "	354 1860, '61 and '62.....	.....	.....	1.99
" "	356 1862.....	.....	.....	.59
North Princess St.	371 1860, '61 and '62.....	.....	.....	1.99
" "	372 1860, '61 and '60.....	.....	.....	1.99
" "	373 1860, '61 and '62.....	.....	.....	1.99
" "	374 1860, '61 and '62.....	.....	.....	1.99
" "	375 1860, '61 and '62.....	.....	.....	1.99
" "	376 1860, '61 and '62.....	.....	.....	1.99
" "	377 1860, '61 and '62.....	.....	.....	1.99
" "	378 1860, '61 and '62.....	.....	.....	1.99
" "	379 1860, '61, and '62.....	.....	.....	1.99
" "	380 1860, '61 and '62.....	.....	.....	1.99
" "	381 1860, '61 and '62.....	.....	.....	1.99
South James St.	382 1860, '61 and '62.....	.....	.....	1.99
" "	384 1860, '61 and '61.....	.....	.....	1.99
" "	385 1860, '61 and '62.....	.....	.....	1.99
" "	386 1860, '61 and '62.....	.....	.....	1.99
" "	387 1853, '60 '61, '62.....	.....	.....	2.54
" "	388 1860, '61 & '62.....	.....	.....	1.99
" "	389 1860, '61 & '62.....	.....	.....	1.99
" "	390 1860, '61 and '62.....	.....	.....	1.99
" "	391 1860, '61 and '62.....	.....	.....	1.99
North James St.	414 1860, '61 and '62.....	.....	.....	1.99
" "	415 1860, '61 and '62.....	.....	.....	1.99
" "	416 1860, '61 and '62.....	.....	.....	1.99

	No.		Am't	Int.	Total
North James St.	417	1860, '61 and '62.....	.....	.....	1.99
" "	418	1860, '61 and '62.....	.....	.....	1.99
" "	419	1860, '61 and '62.....	.....	.....	1.99
" "	420	1860, '61 and '62.....	.....	.....	1.99
North Butler St.	457	1860, '61.....	.....	.....	1.30
" "	458	1860, '61.....	.....	.....	1.30
" "	459	1860, '61.....	.....	.....	1.30
South Butler St.	421	1860, '61 and '62.....	.....	.....	1.89
" "	422	1860, '61 and '62.....	.....	.....	1.89
" "	423	1860, '61 and '62.....	.....	.....	1.89
" "	424	1860, '61.....	.....	.....	1.30
South Wood St.	460	1860, '61.....	.....	.....	1.30
" "	461	1860, '61.....	.....	.....	1.30
West Trenton.					
South of and adjoining the old Distillery East Water St..	...	1867.....	.....	.....	2.00
Vacant House West of and adjoining W. H. Austin's Store..	...	1867.....	.....	.....	6.25

I hereby certify that the Taxes on the foregoing List of Non-Resident Lands in the Village of Trenton, has been so made up, by order of the Municipal Council of the said Village, and that the same is correct as near as I can make it.

JER' H. SIMMONS, C. M. C.

SCHEDULE B.

NOTICE.

All persons are hereby notified that in pursuance of the provisions of the Act respecting the collection of certain taxes in the county of Hastings, passed by the Legislature of Ontario, at its last sittings, a Schedule of all taxes in arrear upon lands in the Village of Trenton has been put up in the following places, viz: in the office of the Clerk of the Village of Trenton, in Trenton, in the office of the Clerk of the County of Hastings, in the Shire Hall in Belleville, and in the office of the Registrar of the County of Hastings, in Belleville, and that unless said taxes so in arrear are paid to the Treasurer of the County of Hastings, at his office in Belleville, within two months after the day of the first publication of this notice, proceedings will be taken to sell all of the said lands upon which taxes shall then be in arrear, in the manner provided by the said Act.

Day of first publication, 1868.

Treasurer, County of Hastings.

[No. 71.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act respecting the Collection of
certain Taxes in the County of
Hastings.

1st Reading, January 30, 1868.

G. H. BOULTER.

TORONTO :
PRINTED BY SAMUEL BEATTY.

Preamble not approved J. G. G. 11

No. 72.]

BILL.

[1868.

An Act to confirm the Resurveys of the Township of Harvey and Burleigh, in the County of Peterborough, and to reimburse the said County for the costs of such surveys.

WHEREAS the original Surveys of most of the Concession lines in the Townships of Harvey and Burleigh, in the County of Peterborough, became obliterated previous to the year 1863. Preamble.

And whereas subsequently, on application of the County Council of the said County of Peterborough, made to the Governor of the then Province of Canada, and under the direction and order of the then Commissioner of Crown Lands, a certain survey was made of the said Township of Harvey by Theodore B. Clementi, a Deputy Provincial Land Surveyor, and a certain other survey was made of the said township of Burleigh, by James W. Fitzgerald, also a Deputy Provincial Land Surveyor, plans and field notes of which surveys respectively were returned to and filed in the Crown Lands Department at Ottawa. Resurveys by Clementi and Fitzgerald, of Townships of Harvey and Burleigh.

And whereas the said County Council paid on account of the expenses of said Survey of Harvey the sum of \$2759, and on account of the expenses of said Survey of Burleigh, the sum of \$454—the balance of the expenses of said surveys, being the proportion thereof chargeable against the then unsold public lands in said Townships, having been paid by the said Crown Lands Department. Expenses.

And whereas there is at present no sufficient remedy enabling the said Council to obtain repayment of the said costs of survey from the said Townships, notwithstanding such surveys have been of great benefit and advantage to the inhabitants of the same, and the said Council have by their petition prayed that an Act may be passed providing such remedy, and for the confirmation of the said surveys, and it is expedient to grant the prayer of the petition, Remedy for collection.

Wherefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. That the said several surveys, plans and field notes by said Clementi and Fitzgerald, shall be and are hereby ratified and confirmed : and the same shall hereafter be deemed to be the true and correct survey of the said Townships, and shall govern all the concessions, lots, side lines, and road allowances, therein, and stand in the place of the original survey plan and field notes. Resurveys by Clementi and Fitzgerald confirmed.

Com. of C.
Lands to fur-
nish lists of
Lands in Har-
vey and Bur-
leigh, to
County
Treasurer.

2. That the Commissioner of Crown Lands for the said province, shall make out and transmit to the Treasurer of said County of Peterborough, lists duly certified by him of all lands in said Townships of Harvey and Burleigh, respectively, patented, sold, or located as free grants previously to the first day of July, 1865, in the Township of Harvey, and previous to the first day of February, in 1865, in the Township of Burleigh, and which lists shall contain the quantity of land in each of said lots, and such lists shall be filed and kept by him in his office as Treasurer, and be open to inspection on all reasonable occasions.

County
Treasurer to
furnish lists
to Township
Clerks.

3. That such Treasurer shall furnish to the Township Clerk of Harvey, and to the Township Clerk of the United Townships, of which said Township of Burleigh forms one, each a true copy of the list furnished by the Commissioner of Crown Lands applicable thereto—and upon the receipt of such list the said Township Clerks shall, respectively, rate and assess upon the next Collectors Rolls of or for the said Townships of Harvey and Burleigh, (united as aforesaid), the amounts above specified as their proportionate part respectively of the costs of the said survey, that is to say,—on the Collectors Roll for said Township of Harvey, the sum of \$2,759;—and on the Collectors Roll for said Township of Burleigh, (united as aforesaid), the sum of \$454, by an equal rate, per acre on all the lands upon such lists, respectively, as furnished to them by the said County Treasurer, and situated in the said Townships of Harvey and Burleigh.

Assessment
to be made on
the next Col-
lector's Rolls.

Township of
Harvey \$2759
Township of
Burleigh
\$454.

Collection.

4. That it shall be incumbent on each of the said Municipalities of Harvey and Burleigh, (united as aforesaid), to collect and enforce the payment of the amounts so directed to be raised upon the lands in the said Townships of Harvey and Burleigh, in the same manner as provided by the Municipal Law, for the collection of any other rate or assessment, and to pay over the amounts so authorised to be collected to the Treasurer of the said County of Peterborough, on or before the first day of March, 1869, to be placed by him to the credit of the said County Municipality.

By 1st March,
1869.

Responsibil-
ity of Muni-
cipal Officers.

5. Any Treasurer, Collector, or other Municipal Officer, or Functionary *wilfuly* of the said Township Municipalities wilfully neglecting, or refusing to perform or concur in performing any official act requisite for the collection of the said rates,—or misapplying, or being a party to the misapplication of any portion of the proceeds thereof, or neglecting or refusing to pay over the same to the Treasurer of the said County, and his sureties, shall in addition to any other remedy be personally liable to the said County Municipality for any sum which, by reason of such neglect, refusal, misconduct, or misapplication, shall not be paid to the Treasurer of the said County Municipality at the time required by this act, as for moneys received by such party for the use of the said County Municipality.

Rate Continu-
ous.

6. That if by reason of any cause, matter, or thing, such rates shall not have been made or collected by the time required under this Act, the preceding sections authorising such rating and collecting shall be read and construed, as giving power to make such rate or collection continuously and subsequent to the time specified, to the end and intent that the full amount required to be levied under this Act, shall be raised and collected and paid over to the Treasurer of the said County Municipality.

But this section shall not be construed to excuse the wilful neglect or omission of any officer or functionary aforesaid, to perform the duties required of him by this Act—and all the powers and responsibilities incident to the making and collecting of the said rates, shall continue in full force until such rates are fully collected and paid over to the Treasurer of the said County Municipality for the purposes aforesaid.

This Act shall be deemed a Public Act.

Public Act.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL

An Act to confirm the Re-surveys of the Townships of Harvey and Burleigh, in the County of Peterborough, and to reimburse the said County for the costs of such Surveys.

PRIVATE BILL

1st Reading, January 30, 1868.

MR. CARNEGIE.

TORONTO:

Printed by Samuel Beatty.

An Act to grant certain powers to "The Oxford Farmers Mutual Fire Insurance Association."

WHEREAS The Oxford Farmers' Mutual Fire Insurance Association have, by their petition, set forth that they have been organized and have carried on business in the Town of Woodstock, in the County of Oxford and Province of Ontario, since the month of August, one thousand eight hundred and sixty-seven, as a Mutual Fire Insurance Association, under the Act respecting Mutual Insurance Companies. Preamble.

And whereas, for the better management of the affairs of the Association and to enable them to compete successfully with similar associations now enjoying the privileges in the said petition prayed for, it is expedient to that the prayer of the said petition be granted.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the said Province of Ontario, enacts as follows:

1. The said Association may hold their annual meeting for the election of Directors, at such time in each year as may appear most expedient to the Board of Directors. Time for annual meeting to be settled by Directors.

2. The said Association may issue Policies and collect premiums thereon, in cash, for insurance for terms of one or more years, (not exceeding five): and parties so paying in cash, shall not be liable to any further charge or assessment whatsoever; nor shall they be held to be members of the said Association in any respect. Premiums on certain Policies may be taken in cash, Insured not to be members of Association

3. The said Association may form a Reserve Fund to consist of all moneys which shall remain on hand in each or any year after payment of the ordinary expenses and losses of the said Association, and for that and other purposes of the said Association, the Directors may levy an annual assessment on the premium notes held by the Association, and such Reserve Fund may be applied in payment of such liabilities of the Association as cannot be provided for out of the ordinary receipts for the same or any succeeding year: Provided that no assessment for any amount over and above one-third of a dollar on each hundred dollars of insured property shall be levied in any one year, unless and until the whole of such Reserve Fund shall have become exhausted: Provided also, that such Reserve Fund shall be invested in the Debentures of the Dominion of Canada or of the Province of Ontario, or on the security of Real Estate. Reserve Fund may be formed—its composition and application.
Proviso—Assessments limited.
Proviso—Investment.

4. Whenever any assessment is made upon any premium note given to the Association for any risks taken by the Association, or as a consideration for any policy of insurance issued or to be issued by the Association, and an action is brought to recover such assessment, the certificate of the Secretary of the Certificate of Secretary to be prima facie evidence in action for assessment.

Association specifying such assessment and the amount due to the Association on such note by means thereof, shall be taken and received as *prima facie* evidence thereof, in all courts and places whatsoever.

Failure to pay premium note within days after due to vitiate policy. 5. In case of failure or neglect on the part of any policy-holders to pay the amount of any premium note given for insurance or any assessment thereon, on the day when the same shall be due, or within thirty- days thereafter, the policy on account of which said note was given or assessment made, shall become void and of no effect for and during such period as the said note or assessment shall remain unpaid; provided, that it shall be optional with the said directors to enforce payment of the said note or assessment at their discretion.

Proviso.

Board to consist of nine members. 6. The Board shall consist of nine members, three of whom shall retire annually in rotation, but shall be eligible for re-election.

Classification of Directors as to order of going out of office to be determined by ballot. 7. Before the next annual meeting for the election of Directors, the Directors or a quorum of them shall determine among themselves by ballot: First, which three of the present Directors shall continue in office for one year, and the said three Directors, after such ballot, shall be known as standing first on the list of Directors; secondly, which three of the Directors shall continue in office for two years, and such three Directors, after such ballot, shall be known as standing second on the list of Directors, and the present Directors, except the six so selected by ballot, shall all go out of office at the next meeting for the election of Directors, and at such meeting there shall be three Directors elected who shall continue in office for three years, and shall be known as standing third on the list of Directors.

Directors to retire in rotation, three every year. 8. The Directors shall retire from office in the following rotation, that is to say:—Three Directors at each annual meeting commencing with the three Directors standing first on the list of Directors, and in the same manner the three Directors next on the list at every annual meeting thereafter; the retiring Directors always being eligible for re-election, and the Directors shall hold office for three years and until the next annual meeting thereafter.

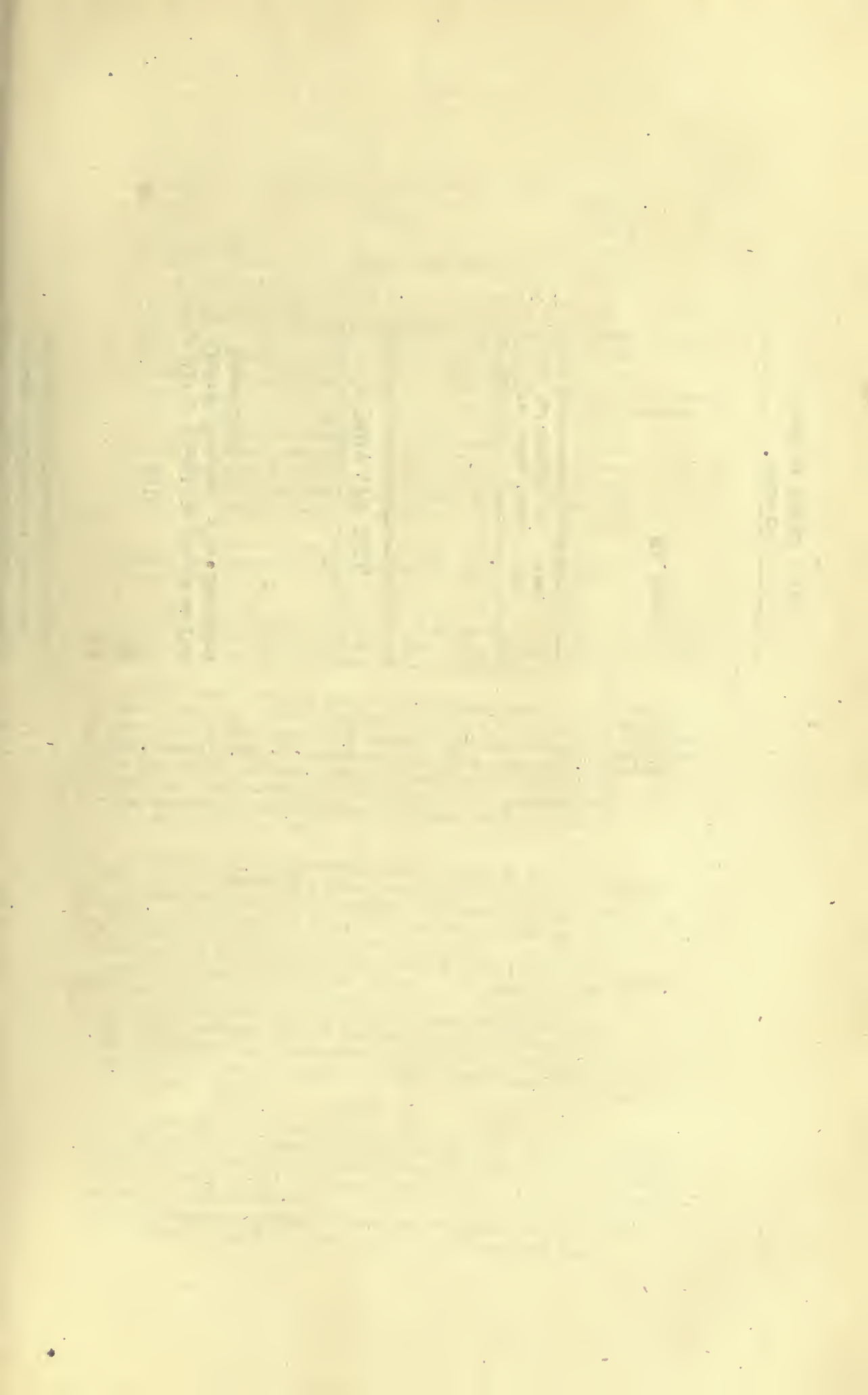
Re-eligible.

Re-insurance. 9. The directors may make arrangements with any Mutual or other Insurance Company for the re-insurance of risks on such conditions with respect to payment of premiums thereon as may be agreed between them.

Office in Woodstock. 10. The office of the Association shall be held in the town of Woodstock, in the Province of Ontario, as heretofore.

11. The Act respecting Mutual Insurance Companies being chapter fifty-two of the consolidated statutes for Upper Canada, shall apply in all its provisions to the Oxford Farming Mutual Insurance Association.

12. This Act shall be deemed a public act.



BILL.

An Act to extend the powers of The
Oxford Farmers' Fire Insurance
Association.

PRIVATE BILL.

1st Reading, January , 1868.
2nd Reading, 1868.

MR. PERRY.

TORONTO

PRINTED BY SAMUEL BEATTY.

An Act to grant certain powers to The Toronto Mutual Fire Insurance Company.

WHEREAS, The Toronto Mutual Fire Insurance Com-^{Preamble.}
pany, shall by their petition set forth, that they are
incorporated under the provisions of The Mutual Insurance
Companies Act, chapter 52, of the Consolidated Statutes of U. C. Consol.
Upper Canada, and have carried on business as such Com-^{Stat., cap. 52.}
pany in the City of Toronto, since the month of February,
one thousand eight hundred and sixty-seven, and have prayed
that for the better management of the affairs of the said Com-
pany, additional powers be conferred upon them, including
the power of issuing policies for Mutual Life Insurance, and
it is expedient that the prayer of the said petition be granted.

Therefore, Her Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. The said Company may hold their Annual Meeting for Time of An-
the election of Directors, at such time in each year as may nual Meeting.
appear most expedient to the Board of Directors.

2. The said Company may issue policies of insurance and Company
collect premiums thereon, in cash, for terms of one or more may issue
years, and persons so paying in cash shall not be liable to policies and
any further charge or assessment whatsoever; nor shall they collect cash
be held to be members of the said Company in any respect; premiums.
but they may nevertheless receive out of the profits of each
year such share thereof, by way of bonus, as the Board of
Directors may think fit.

3. The Company may form a reserve fund to consist of Form a
all moneys, which shall remain on hand at the end of each Reserve
year after payment of the ordinary expenses and losses of Fund.
the said Company, and for that and other purposes of the
Company, the Directors may levy an annual assessment on
the premium notes held by said Company, and such reserve Application
fund may at the option of the Directors, be applied either thereof.
to pay off the Guarantee Stock of the said Company, or to
pay such other liabilities thereof, as cannot be provided for
out of the ordinary receipts for the same or any succeeding
year. Provided that such reserve fund shall be invested in Investment
debentures or other securities of the Government of the of Reserve
Dominion of Canada. Fund.

4. Whenever any assessment is made on any premium Certificate of
note given to the Company, for any risk taken by the Com- the Secretary
pany, or as a consideration for any policy of insurance issued, to be prima
or to be issued by the Company, and an action is brought facie evidence
to recover such assessment, the certificate of the Secretary of amount
of the Company specifying such assessment, and the amount due in case of
due to the Company on such note by means thereof, shall action.

be taken and received as *prima facie* evidence thereof, in all Courts and places whatsoever.

Policy to be void in failure to pay premium note or assessment.

5. In case of the failure or neglect on the part of any policy-holder to pay the amount of any note given for insurance, or any assessment on the day when the same shall become due, or within thirty days thereafter, the policy on account of which note was given or assessment made, shall become void, and of none effect for and during such period as the said note or assessment shall remain unpaid: Provided, that it shall be optional with the Directors to enforce payment of the said note or assessment at their discretion.

Proviso.

Certain Directors to retire Annually.

6. Before the next Annual Meeting, the Directors or a quorum of them, shall determine among themselves by ballot, which five of the present Directors shall go out of office at the end of the first year from their election; and which five shall go out at the end of the second year from their election. The residue, and all other Directors subsequently elected shall go out at the end of the third year from their election, or at the end of the third Annual Meeting thereafter.

Election of Directors.

7. Five Directors shall be elected at each Annual Meeting, to serve for the term of three years, or until the third Annual Meeting thereafter, to supply the place of those who retire as aforesaid. But the retiring Directors shall always be eligible for re-election.

Agents of the Company not to hold Proxies.

8. No Agent or Sub-Agent of the Company shall receive or hold proxies for noting at meetings of the said Company.

Proxies to be entered.

9. No proxies shall be valid unless it be entered by the Secretary in a book kept for that purpose, at least one month before the meeting at which it is to be acted upon.

Directors, Proprietors of Guarantee Stock need not be insured.

10. Directors of the Company being proprietors of Guarantee Stock to the amount of two hundred dollars, on which not less than twenty-five per cent. has been paid up, shall not be required to be also insurers therein.

Re-Insurance.

11. The Directors may make arrangements with any Mutual or other Insurance Company for the re-insurance of risks on such conditions, with respect to the payment of premiums thereon, as may be agreed between them.

Company may establish a Life Branch

12. The Company shall have power to establish a separate Branch to be called "The Life Branch," in the same manner and under the same restrictions as are provided in sections numbered 11, 12, and 13, of the aforesaid Act concerning Mutual Insurance Companies, and in such Branch shall have power to make and effect contracts of assurance with any person or persons, bodies corporate or politic, upon life or lives, or in any way dependant upon life or lives: to grant endowments for children or other persons, and generally to enter into any transactions dependine upon or affected by the contingency of life, and all other transactions usually entered into by Mutual Life Assurance Companies including re-assurance.

Grant Endowments for children.

Division of profits.

13. The Company may allot and divide among the assured, so much of the profits realized from Mutual Life Assurance, and

at such times as they may think fit. And may also declare, and cause to be paid to the respective holders of Guarantee Stock, any dividend or dividends of profits in proportion to the shares held by them, at such times and seasons as they may think proper.

Dividends to
Guarantee
Stock-holders

14. The name of the said Company shall be, and the same is changed to "The Toronto Mutual Fire and Life Insurance Company."

Name of the
Company
changed.

15. No member of the said Company shall be subject to any assessment over and above the amount of his premium note; but if the Guarantee Stock of the Company and the premium notes of any particular branch, should ever be insufficient to pay and satisfy all the losses sustained by persons insured in that branch. Then, and in such case a just average shall be computed, and the payment to be made to each claimant shall be a dividend of said stock, and premium notes in proportion to the same by them respectively insured.

Liability of
Members
restricted.

16. The said Act respecting Mutual Insurance Companies being chapter fifty-two, of the Consolidated Statutes, for Upper Canada, and the amendments thereto, except in so far as the same may be inconsistent with this Act, shall apply in all their provisions to The Toronto Mutual Fire and Life Insurance Company.

U. C. Con.
Stat., cap. 52,
to apply.

17. The said Company shall make and furnish to the Lieutenant Governor and to the Legislative Assembly of the Province of Ontario, during the first fifteen days of the first session thereof in each and every year, a full and unreserved statement of the affairs of the said Company, and of its funds, property, and securities, shewing:—

Annual state-
ment of the
affairs of the
Company to
be furnished
to the Govern-
ment.

(a). The amount in real estate.

(b). The amount in bonds and mortgages.

(c). The amount in notes and the securities thereof.

(d). The amount in public debt or other stock.

(e). The amount of moneys due to, and from the said Company.

(f). The names of all the stockholders and directors of the said Company.

18. Wilful and corrupt false swearing, or affirming either oral or written concerning any matter or thing relating to fire or life insurance in the said Company, before any one having lawful authority to administer an oath or affirmation, shall be wilful and corrupt perjury. And eight clear days notice to the defendant to produce any document in his possession, power, or control, shall in all prosecutions by the said Company let in secondary evidence thereof, if the same be not produced pursuant to the said notice.

Wilful and
corrupt false
swearing to
be perjury.

Notice to
produce
documents.

Secondary
evidence.

19. This Act shall be deemed a Public Act.

Public Act.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to grant certain powers to
The Toronto Mutual Fire Insurance
Company.

PRIVATE BILL.

1st Reading, January 31st, 1868.
2nd Reading,
3rd Reading,

HON. M. C. CAMERON.

TORONTO :

Printed by Samuel Beatty.

No. 75.]

BILL.

[1862.

An Act to Amend "The Assessment Act of Upper
Canada." Cap. 53.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of Ontario, enacts as follows:

1. Section four, sub-sections fifteen, nineteen, twenty-one, twenty-two and twenty-three of section nine; section ten; sub-section one, and column four of sub-section four of section twenty-one; section twenty-six; section thirty; section thirty-five; section thirty-six; sub-section twelve of section sixty-one; section eighty-three; section eighty-seven, and section one hundred and seventy-six of the said Act, are hereby repealed, and the following sections and sub-sections shall be, and are hereby, substituted in lieu of the said sections and sub-sections hereby repealed, and shall be taken and read as the said sections and sub-sections of the said Assessment Act, viz:

2. In lieu of Section four so repealed, the following:—
The terms "personal estate," and "personal property," include all goods, chattels, shares in incorporated companies, interest on mortgages, money, notes, accounts and debts at their full value, income and all other property, except land and real estate, and real property, as above defined, and except property herein expressly exempted. New Section 4

3. In lieu of Sub-Section fifteen of Section nine the following:—
—So much of the personal property of any person as is secured by the Debentures of the Province, or of any Municipal Council thereof. New Sub-sect.
15 of Sect. 9.

4. In lieu of Sub-Section twenty-one of Section nine, the following:—The annual income of any person, provided the sum does not exceed six hundred dollars. New Sub-sect.
21 of Sect. 9.

5. In lieu of Sub-Section twenty-one of Section nine, the following:—The stipend or salary of any minister of religion, and his dwelling house or parsonage, not exceeding in value the sum of two thousand dollars. New Sub-sect.
21 of Sect. 9.

6. In lieu of Sub-Section twenty-three of Section nine, the following:—The houses and premises occupied by any of the non-commissioned officers and privates of Her Majesty's Regular Army. New Sub-sect.
23.

7. In lieu of Section ten, the following:—In counties, cities, towns, townships and villages the rate shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein, provided always that the assessor shall be at liberty to estimate the actual value by taking the rentals as representing eight per cent. on the value. New Sect.

New Sub-sect.
1 of Sect. 21. 8. In lieu of Sub-Section one of Section twenty-one, the following:—The names and surnames, in full, if the same can be ascertained, of all taxable persons resident in the municipality who have taxable property therein, or in the district for which the assessor has been appointed.

New Sub-sect.
4 of Sect. 21,
Column 4. 9. In lieu of Column Four of Sub-Section Four of Section Twenty-one, the following:—To state whether the party is a freeholder, householder or tenant by affixing the letter F, T or H, as the case may be.

New Sect. 83. 10. In lieu of Section Eighty-three, the following:—When land is assessed against both the owner and occupant, or owner and tenant, the assessor shall place both names within brackets on the roll, and shall write opposite the name of the owner the letter F, and opposite the name of the occupant or tenant the letter T or H, and both names shall be numbered on the roll; provided always that no ratepayer shall be counted more than once in returns and lists required by law for municipal purposes, and the taxes may be recovered from either, or from any future owner, tenant or occupant, saving his recourse against any other person.

New Sect. 30. 11. In lieu of Section Thirty, the following:—Real and personal property shall be estimated at their actual cash value, as they would be appraised in payment of a just debt from a solvent debtor, subject to the proviso mentioned in new section No. 10.

New Sect. 30. 12. In lieu of Section Thirty-six, the following:—No person deriving an income exceeding six hundred dollars per annum, from any trade, calling, office, profession or other source whatever not declared exempt by this Act, shall be assessed for a less sum as the amount of his net personal property, than the amount of such income, in excess of the sum of six hundred dollars, during the year then last past, and so much of his last year's income as shall exceed the sum of six hundred dollars shall be his net personal property, unless he has other personal property to a greater amount.

New Sub-sect.
12 of Sect. 61. 13. In lieu of Sub-Section Twelve of Section Sixty-one, the following:—If the party assessed complain in person, or by his Agent, of an overcharge, on his personal property or taxable income, he or his agent may appear before the Court and make a declaration in the form following: "I, A. B., do solemnly declare that the true value of all the personal property (or amount of taxable income, as the case may be,) assessable against me, (or against me as Trustee, Guardian, Executor, &c., or against C. D., for whom I am Agent, *as the case may be,*) (as such trustee, &c., or by C. D.,) does not, to the best of my knowledge and belief, exceed the sum of _____ dollars (*and if the declaration be made by an Agent, add*) and that I have the means of knowing. (and do know, the extent and value of the personal property or the amount of income) assessable against C. D." No abatement shall be made from the amount of income on account of debts due. And the Court shall thereupon enter the person assessed at such an amount of personal property or taxable income, as is specified in the declaration, unless they are dissatisfied with

the said declaration, in which case they shall be at liberty to examine the said party making the declaration on oath, and any witnesses whom it may be found desirable to examine respecting the correctness of said declaration; and alter or amend the Roll accordingly, and if any party makes a wilfully false statement in any such declaration he shall be guilty of a misdemeanor, and shall be punishable as for perjury.

14. The following Sub-Section to be added to Section Seventy-two:—(1.) In equalizing the Rolls of the Towns and Villages, the County Council shall take the interest of the amounts returned on the rolls, at six per cent., and capitalize the same at ten per cent., and such capitalization shall be the aggregate valuation for such Towns and Villages for the purposes mentioned in the preceding section. New Sub-sect.
to Section 72.

15. In lieu of Section eighty-three, the following:— New Sect. 83.
Every male inhabitant of a Township between the ages aforesaid, who is not otherwise assessed to any amount (and who is not exempt by law from performing Statute labor) shall be liable to two days of Statute labor on the roads and highways in the Township, and no Council shall have any power to reduce the Statute labor required under this Section.

16. That Section eighty-four be amended as follows:— Amendment
Sect 84.
In last line of Schedule insert \$800 instead of \$1000.

17. In lieu of Section eighty-seven, the following:— New Sect. 87
Where no such By-law has been passed, the statute labor in the township in respect of lands of non-residents shall be commuted at the rate of one dollar for each days labor.

18. That the following sub-Section be added to Section one hundred and four:—If the taxes be not paid on or before the fourteenth day of December in each year, ten per cent. shall be added to such taxes as are in arrears, and shall be collected by the Collector. But it shall be imperative upon the Collector to call upon the persons liable to pay the taxes, at least fourteen days before the said fourteenth day of December; and it shall be the duty of the Collector to return to the Treasurer of the Municipality a list verified, of the names of all persons who have not paid their taxes at the time hereinbefore mentioned, and the amount due by them respectively. Provided, always, that the Municipality may pass a By-Law relieving the said persons so in arrear from the payment of the whole or any part of the said ten per cent. Provided, also, that any Municipality may pass a By-Law deducting a sum not exceeding five per cent. upon the amount which any person is liable to pay, if paid before the first day of October in any year. New Sub-sect.
t Sect. 104.

19. That the following sub-Section be added to Section one hundred and twenty:—Any local Municipality may by By-Law, remit either in whole or part, any taxes now due, or to become due upon non-resident lands within such Municipality, specifying the particular lands upon which the remission is made, and upon the passing of such By-Law it shall be the duty of the Clerk of the Municipality forthwith, to transmit a copy of the By-Law to the Treasurer having the collection of the taxes who then shall collect only so much of said taxes as are not so remitted. New sub-Sec-
tion to Sec-
tion 120.

New Sect. 176 20. In lieu of Section one hundred and seventy-six the following:—If any Assessor, Clerk, Treasurer or any other Municipal Officer refuses or neglects to perform any duty required of him by this Act, he shall, upon conviction thereof before the Recorder's Court of the City, or before the Court of General Quarter Sessions of the County in which he is Assessor or Clerk, forfeit to Her Majesty such sum as the Court shall order and adjudge, not exceeding one hundred dollars.

**Amendment
Section 50.**

21. That Section fifty of said Act be amended as follows: Insert "May" instead of "April," and add the word "tenants" after the word "householder" in eleventh line of certificate.

**Sale of non-
resident lands
by Treasurer
of Junior
County.**

22. That where a junior county may have separated, or may hereafter separate, from a senior county, and a return may have been made to the Treasurer of the United Counties of lands in arrear for taxes, the Treasurer of the Junior County shall have the same power of taking the proceedings required by law for the sale of such lands as was vested in the Treasurer of the United Counties, when the lands have not been advertised by the Treasurer of the United Counties; and it shall be the duty of the Treasurer of the United Counties to make a return to the Treasurer of the Junior County of a list of the lands so returned to him, and not advertised, and the amounts due upon them.

**Advertising
lands in
United Coun-
ties.**

23. That where counties are united it shall be the duty of the Treasurer of the United Counties to advertise a list of lands to be sold for taxes, and the amount due thereon, as provided by the said Act, in at least one newspaper in each county, if there be a newspaper published in each county.

**Sections 46,
47, and 48 to
apply to per-
sonal prop-
erty.
Not to apply
to Hamilton
debentures.**

24. That sections forty-six, forty-seven and forty-eight of the "Assessment Act of Upper Canada" shall apply to personal property and income, as well as to real property.

25. That nothing in this Act shall in any way apply to the assessment or rates imposed under the Hamilton Debentures Act of 1864.

26. This Act shall be deemed a public Act.

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3
" " 19 July " " 21 " "

No. 76.]

BILL.

[1868.

An Act to legalize a certain By-law, and certain Debentures of the County of Simcoe.

WHEREAS, doubts have arisen as to the validity of a certain by-law of the corporation of the county of Simcoe, authorizing the raising of a certain sum of money for the purposes therein mentioned, by the issue of debentures, and as to the validity of the debentures issued under and by virtue of the same by-law. And it is necessary and expedient in the interest of the public, and of the holders of the said debentures, that all such doubts should be removed, and that such by-law and debentures should be legalized and confirmed; therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Preamble.

1. By-law number one hundred and fifty-seven of the corporation of the county of Simcoe, passed on the twenty-fifth day of January, in the year one thousand eight hundred and sixty-seven, entitled "A by-law to provide for the consolidation of the present existing debt of the county of Simcoe, and the extension of the same over a period of fifteen years, by the issue of a new series of debentures," and the debentures issued thereunder, and all acts done and contracts entered into in pursuance thereof, are hereby legalized and declared valid, notwithstanding any want of power or authority in the said corporation to raise money as aforesaid for the purpose of consolidating its debt as in the said by-law mentioned, or any irregularity in the passing or preliminary to the passing thereof.

By-law No. 157, passed 25th January, 1867, declared valid.

Notwithstanding any want of power, &c.

2. This Act shall be deemed a public act.

Public Act.

[No. 76.]

1st Session, 1st Parliament, 41st Victoria, 1868.

BILL.

An Act to legalize a certain By-law,
and certain Debentures of the
County of Simcoe.

PRIVATE BILL.

1st Reading, January 31, 1868.

Mr. Ferguson.

TORONTO :

PRINTED BY SAMUEL BEATTY.

An Act to amend the Act, 29th Vic., cap. 24, entitled an "Act respecting Registrars, Registry Offices and the Registration of Instruments relating to Lands in Upper Canada.

WHEREAS no provision is made by Law for the payment ^{Preamble.}
by a City in which a separate Registry Office has not
been established, of any portion of the fees and allowances for
services required under section number thirty-three of the
"Registration of Titles (Upper Canada) Act, but the payment ^{Registration}
thereof devolves exclusively upon the County within which ^{Titles Act, sec}
such City may be situated, and it is reasonable that the portion ^{23, cited.}
of such expenses relating exclusively to the Registration of
Titles within the limits of such city should be defrayed by the
Corporation of such City.

Her Majesty therefor by and with the advice and consent of
the Legislative Assembly of Ontario, enacts as follows:—

Notwithstanding anything in the said Act contained, it shall ^{Corporation}
and may be lawful for the Corporation of any such City to ^{of Cities au-}
defray from any monies belonging to the Corporation, the sum ^{thorized to}
agreed upon between the said Corporation and the Corporation ^{pay propor-}
of the County, within which such City may be situate, as the ^{tionate share}
amount fairly and equitably payable by the Corporation of ^{of fees and}
such City as its proportion of the said fees and allowances.

[No. 77.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

To amend the Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to Lands in Upper Canada.

1st Reading, January 31, 1868.

Mr. SEXTON.

TORONTO:

PRINTED BY SAMUEL BEATTY

2
3
No. 78.]

2
3
BILL.

11
11
[1868.]

An Act for the Collection of Taxes for the Corporation of the Town of Belleville.

WHEREAS the Assessment of the Town of Belleville for the years 1852 to 1866, both inclusive respectively, were duly made, but in making up the Collector's Rolls for said years respectively, instead of the said Rolls being made up with several columns, that is, for the Town rate, School rate and Special rate, respectively, the whole sum to be collected for these several purposes was put in one column, without showing of what said sum was composed: And whereas more than three-fourths of said Taxes on the said several Rolls respectively, have been paid by the parties assessed, and the said Rolls have been duly returned, and it is not now possible to have them corrected by making up new Rolls: And whereas the Corporation of the Town of Belleville have Petitioned for relief, in order that the Taxes so remaining unpaid may be collected: And whereas it is only just to the ratepayers in the said Town who have paid their Taxes, that those in arrear shall be obliged to pay the amount so due by them respectively, and it is therefore thought proper to grant the prayer of said Petition.

Handwritten notes:
Preamble.
Collectors Rolls from 1852 to 1866. informal.
Rolls returned.

Therefore be it enacted by the Legislative Assembly of the Province of Ontario, and it is hereby enacted:

1. That it shall be lawful for the Council of the said Town of Belleville to cause a Roll or List of all Lands entered upon the said Collector's Rolls, so informally made up as above stated, and on which the said Taxes so made up in said Rolls respectively are for one or more years in arrear as above described; that in said Roll or List there shall be charged against each of said Lots the several sums so charged against them respectively on said Collectors Rolls, and the said Roll or List shall show the years respectively for which said Lands are so charged as being in arrear.

Handwritten note: New Rolls to be made up

2. And upon said Roll or List being made up, and certified by the Clerk of the Council, the Corporation shall cause the same to be published in one or more newspapers printed and published in said Town consecutively for the period of two months, with a notice calling upon the person or persons owning, or who are interested in said Lands, to pay the amounts so in arrear on or before the expiration of said period of two months, or otherwise that the said Lands will be sold for the sum so in arrear as aforesaid.

Handwritten notes:
Certified by the Clerk of the Council and published
With notice to pay arrears or sale of lands.

3. That after the publication of the said notice for the period aforesaid, the said Corporation may proceed to collect any and all arrears then unpaid upon any of the said parcels of Land mentioned in said Roll or List, in the same manner as if the said Taxes had been in arrear for the period of five years, before the passing of this Act, and they are and shall be a charge on the said Lands, and for the collection thereof the

Handwritten note: After expiration of notice Corporation may collect arrears.

As provided
by the U. C.
Assessment
Act.

With costs of
publication.

Rights of re-
demption on
sales.

This Act not
to apply to
the non-resi-
dent Land
Roll.

said Corporation shall have all the remedies, rights and powers, and may proceed in the same manner as is provided for the collection of Taxes in and by the Act of Parliament of the late Province of Canada, known as the Assessment Act of Upper Canada: And that the said Corporation shall, in addition to the said sums, collect upon each Lot or parcel of Land a proportionate amount of the costs of publication of said notice and Roll.

4. That on such sale the purchasers shall have the same rights, and the owners the same right of redemption as provided for in said Assessment Act.

5. That nothing in this Act shall apply to Lands assessed directly on the Non-resident Land Roll, nor shall the Corporation have any right to include in such Roll or List any Taxes heretofore paid; and in case of any such mistake the land shall only be liable for the sum actually unpaid, and for such sum only shall they be liable to sale.

1st Session, 1st Parliament, 31st Victoria, 1867.

A BILL

To Legalize certain Assessments of
the Town of Belleville.

PRIVATE BILL.

1st Reading, January 14, 1868.
2nd Reading, 1868.

Mr. CORRY.

TORONTO:
Printed by Samuel Beatty.

An Act to Incorporate the Royal Canadian Yacht Club.

WHEREAS the persons hereinafter named, with a large number of others, in Toronto, and elsewhere, in the Dominion of Canada, have associated themselves for the establishment of a Club, for the purpose of encouraging Yacht Building, and sailing in the Canadian Waters, and have prayed to be incorporated by the name of "The Royal Canadian Yacht Club," having been permitted by her most Gracious Majesty to assume the style of "Royal;" and it is expedient to grant their prayer, therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. Edward M. Hodder, George H. Wyatt, B. R. Clarkson, H. L. Hime, and William Armstrong, Esquires, the Officers, and such other persons as now are or hereafter shall become members of the said Association, shall be, and are hereby declared to be, a body politic, and corporate, in deed and in name, by the name of "The Royal Canadian Yacht Club," and by that name shall have perpetual succession, and a common seal, and shall have power, from time to time, to alter, renew, or change, such common seal, at their pleasure, and shall by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess, and enjoy, and to have, take, and receive to them, and their successors, to and for the actual occupation of the said Corporation, any lands, teneiments, and hereditaments, and real and immoveable property and estate, situate, lying, and being within the city of Toronto, and the same to sell, alienate, and dispose of whensoever the said Corporation may deem it proper so to do, and by the same name shall, and may, be able and capable in law, to sue and be sued, implead and be impleaded, answer and be answered unto in any manner whatsoever; and the constitution, rules, and regulations now in force, touching the admission and expulsion of members, and the management and conduct generally of the affairs and concerns of the said Association, in so far as they may not be inconsistent with the laws of this Province, shall be the constitution, rules, and regulations of the said Corporation; provided always that the said Corporation may, from time to time, alter, repeal, and change such constitution, rules, and regulations, in the manner provided by the constitution, rules, and regulations of the said Corporation.

Preamble.

Incorporation of Members.

Of the Royal Canadian Yacht Club.

Common Seal

May hold lands, &c.

Constitution and Rules.

Power to alter and repeal, &c.

2. All property and effects now owned by or held in trust for the said Association, are hereby vested in the said Corporation, and shall be applied solely to the maintenance of the said Corporation.

Property and effects now owned to be vested in the Corporation.

3. No member of the Corporation shall be liable for any of the debts thereof beyond a sum which shall be equal to the amount of the original entrance fee, and the annual subscriptions which may remain unpaid by such member; and any member of the Club, not being in arrear, may retire therefrom, and shall cease

Liability of Members limited.

Retirement of Members.

to be such member, on giving notice to that effect, in such form as may be required by the bye-laws thereof, and thereafter shall be wholly free from liability for any debt or engagements of the Club.

Corporation may issue Stock not exceeding \$30,000. 4. It shall be lawful for the said Corporation to issue Stock to such extent as they may deem necessary, not exceeding, in the aggregate, the sum of Thirty Thousand Dollars, in Shares of Fifty Dollars each; such Stock to be subscribed for in a Book, to be opened for that purpose, by a committee of the said Club, and to be paid up in such manner, and within such time, as may be determined by the said committee.

Erection of Club House &c. 5. The funds arising from such stock shall be applied exclusively to the erection of a Club House, and dependencies, and to furnishing the same.

Shares assignable. 6. The Shares of such Stock shall be assignable by delivery, and surrender of the certificates to be issued to the holders of such Shares, respectively, and by assignment on the books of the Corporation.

Holders to be Proprietors of undivided Shares of the real estate. 7. Each holder of such Stock, duly paid up, shall be a Proprietor of an undivided Share of the real estate of the Corporation, and of the buildings thereon to be erected; and shall be exempt from all liability beyond the extent of the Stock he shall actually hold.

Shares in Stock may be paid off by ballot. 8. It shall be competent to the said Corporation to pay off so much of the said Stock, from time to time, as the said committee may deem desirable; the Share or Shares, so to be paid off, to be selected by the said committee by ballot.

Public Act. 9. This Act shall be deemed a Public Act.

An Act to Incorporate the Temporal Committee of St. Andrew's Church, in the City of Ottawa, in connection with the Church of Scotland, and to vest certain property in the said Temporal Committee.

WHEREAS, by deed bearing date the twenty-eighth day of November, in the year of our Lord one thousand eight hundred and twenty-eight, Nicholas Sparks did grant and convey unto Thomas McKay and Matthew Connell, trustees of the Established Presbyterian Church, in Bytown, (now the city of Ottawa), trustees as aforesaid, and their successors in office, all that certain parcel or tract of land and premises situate, lying and being in the city of Ottawa, (then Bytown), in the county of Carleton and Province of Ontario, containing by admeasurement half-an-acre, be the same more or less, being composed of lot number three, on the south side of Wellington street, lot B on High street, lot number three on Sparks street, north side thereof, half of number four, on the south side of Wellington street, in Upper Town, in the city of Ottawa, and county of Carleton, otherwise known as part of lot letter C, concession C, west of the Rideau, in the township of Nepean, in the county of Carleton aforesaid, which said parcel or tract of land is butted and bounded, or may be otherwise known as follows, that is to say: Commencing in the western limit of the allowance for road between concessions C and D, otherwise known as Wellington street, in Upper Town, at the northeast angle of lot number three, on the south side of Wellington street aforesaid, then south sixteen degrees, east three chains, more or less, to Sparks street aforesaid, then south sixty-six degrees, west one chain and fifty links, more or less, to the centre of lot number four, on the north side of Sparks street, then north sixteen degrees west three chains, more or less to Wellington street aforesaid, and in Upper Town, then north sixty-six degrees, east one chain and fifty links, more or less, to the place of beginning; whereon the congregation of said St. Andrew's Church built a church and manse which have continued to be used respectively as a place of worship and dwelling-house for the clergyman of the said church. And whereas there is now held in trust for the congregation of the Presbyterian Church in Ottawa, in connection with the Church of Scotland, that piece of land known as lot letter H, in concession C, in the township of Nepean, in the county of Carleton, known as the Glebe Lot, excepting that part of said lot reserved by the Ordnance Department on the Rideau Canal.

Preamble.
Recites and
dated 28th
November,
1828, to Trustees.

Of land in
City of Ottawa.

St. Andrew's
church built
thereon.

Lot lettered
H, township
of Nepean.

And whereas by deed bearing date the first day of December, in the year of our Lord one thousand eight hundred and fifty-nine, the said principal officers of Her Majesty's Ordnance Department, did grant, convey, and confirm unto Thomas McKay, Donald McArthur and Edward McGillivray, their heirs and assigns forever, all that piece or parcel of land, situate in the said town of Bytown (now the city of Ottawa), and theretofore set apart by the said principal officers of Her Majesty's Ordnance Department as a burial ground for the use of the congregation of the Presbyterian Church in Bytown, in connection

Deed dated
1st December
1859, from
the Ordnance
Department
of Land in
Ottawa.

with the Church of Scotland, pursuant to the plan there-to annexed, described as follows: Commencing three chains two and a half links south fifty-nine degrees forty-one minutes west astronomically from a point north thirty degrees forty-eight minutes west astronomically one chain from the most southerly of the two boundary stones planted on the west side of Wertemburg street, thence from the commencement so established south, fifty-nine degrees forty-one minutes west astronomically, three chains two and a-half links to the eastern line of Charlotte street, thence along that street north thirty degrees forty-eight minutes west astronomically, seven chains nine links; thence north fifty-nine degrees seventeen minutes east, astronomically three chains two and one-half links; thence along the divisional line between this burial ground and that of the Episcopalian Church south thirty degrees forty-eight minutes, east astronomically seven chains eleven and a quarter links to the point of commencement, containing within the above bounds an area of two acres and twenty-three and a half perches, the foregoing description being in accordance with the plan of record in the Ordnance Lands Office, made by P. L. S. I. Stoughton Dennis, of his survey under instructions from the Crown Land Department; to have and to hold unto the said Thomas McKay, Donald McArthur, and Edward McGillivray, their heirs and assigns forever, to the use of the said Thomas McKay, Donald McArthur, and Edward McGillivray, their heirs and assigns, upon trust that they the said Thomas McKay, Donald McArthur, and Edward McGillivray, their heirs and assigns, should and would at all times thereafter hold the said piece or parcel of land to and for the said congregation to be used by the said congregation as a burial ground, and to and for no other use or purpose whatsoever, provided always, and the said deed now in recital was declared to be this express condition that at all times thereafter, all officers, non-commissioned officers and privates, and others in Her Majesty's service, should and might be interred in the said burial ground, without any charge being made for breaking ground for the purpose of interment, which said piece or parcel of land has been ever since the execution of the said deed now in recital, and is now used as a burial ground and to and for no other use or purpose.

Habendeem
—to Trustees.

For a burial-
ground.

And whereas the congregation of said St. Andrew's Church has, by their petition, prayed for the incorporation of the said Temporal Committee, and that the said hereinbefore described property should be vested in the said Temporal Committee and their successors, and it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lands to be-
come vested
in persons
named.

1. The said lands and premises hereinbefore described, including that mentioned in the said deed of the twenty-eighth day of November, A. D., 1828, and the church, manse and buildings thereon erected and all the appurtenances thereof, and the said burial ground conveyed under and by the said deed of the first day of December, A. D., 1849, and the said "Glebe Lot" being said Lot Letter H in concession C, Rideau Front of the said Township of Nepean, excepting the said Ordnance Reserve, and the rents, issues and profits of the said several premises are hereby vested in Edward McGillivray, Charles S. Macnutt, George E. Elliot, Thomas Patterson, James Baine, Archibald Mobray, Henry F. Bronson who, and their successors

in office to be elected in manner hereinafter provided, are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Temporal Committee of St. Andrew's Church in the City of Ottawa, in connection with the Church of Scotland, and shall have all the rights and powers vested in corporations generally by the Interpretation Act.

As a body corporate. "Name and style."

2. The said lands and premises hereby vested in the said corporation shall be held by the said corporation forever to, upon, and for the trust purposes and uses declared and expressed in respect of the same in and by this Act and in and by the said deeds and grants of conveyance thereof, respectively.

Lands vested to be held on trusts mentioned.

3. It shall be lawful for the said Corporation to acquire by any lawful title, whether by purchase, donation, exchange, or as a legacy or otherwise, real estate to and for the purposes mentioned and specified herein, to the extent of six thousand dollars per annum. Provided that no bequest to the said Corporation shall be valid unless made at least six months before the death of the testator.

Corporation may acquire real estate to \$6,000 per annum.

4. The said corporation shall have power to lease all, and singular, the said described lands and premises, (except the said burying ground, or any part thereof,) and also to lease or sell pews, or parts of pews, and to collect, sue for and recover the rents or purchase money thereof, respectively, and with the proceeds thereof, and with such other revenues and moneys as may come into their hands for the purpose, keep and maintain the church and buildings and the fence surrounding the said burial ground in an efficient condition, and derive revenue therefrom for the purposes of the said church and congregation, and also to improve or enlarge the church and manse already erected, and also to pay the retiring allowance guaranteed to the Reverend Alexander Spence, D. D., of three hundred dollars per annum, during his lifetime; and also to and for such other purposes connected with the temporal affairs of the said congregation, as a majority of the members thereof, qualified to vote for the election of the Temporal Committee, as hereinafter provided, at any annual or special meeting of the congregation shall direct and appoint, and the clergyman thereof; and from the proceeds and other moneys that may come into their hands, for that purpose, to maintain one or more clergymen, eligible and qualified, according to the constitution of the Church, to officiate to the said congregation: provided always, that the said corporation shall lease such lands and premises, and sell or lease such pews upon such terms and conditions, and at such rent and such only as shall be settled and appointed at meetings of the congregation, to be holden as hereinafter appointed, or as shall be laid down in By-laws made at such meeting, and also, provided that any lease or conveyances shall be prepared at the costs and charges of the lessees or purchasers and tendered to the said corporation for execution.

Power to lease (except burying-ground) and sell or lease pews.

Application of proceeds.

5. It shall be lawful for the said corporation to sell, alienate or mortgage the lands and premises or any part thereof, held or to be held by them for the trusts and purposes declared and expressed in respect thereof, in and by this Act, and in and by, the said Deeds and Grant thereof respectively, and to apply the proceeds of such sale or mortgage to the purposes aforesaid, and to invest the same or a part thereof in other pro-

Power to sell.

Application of proceeds.

Erection of a
new church.

Sale on mort-
gage subject
to pew owners
consent.

Consent an-
nexed to
deeds.

Burial-ground
excepted.

Proprietors
of pews to be
entitled to
same rights
in new church

Purchasers of
pews to have
a freehold
therein.

Unoccupied
pews.

erty, in such manner and for such purposes for the uses of the Church, as the congregation may at any annual or special meeting, called as hereinafter provided, shall decide, and the construction and erection thereon, on property so acquired, of a new church or place of worship for the said congregation, or for enlarging or improving and repairing the said Church and Manse already built on said property; but they shall not be empowered to sell, alienate, mortgage or otherwise dispose of such lands and premises, or any part thereof, except at the request, and with the consent in writing, signed by two-thirds of the proprietors or lessees of pews or half pews, present at such meeting in the Church or place of worship of the said Congregation, of at least one year's standing, and not in arrear for rent, and except notice calling a general meeting of the said Congregation for the purpose of such requisition and consent, be given from the pulpit of the Church or place of worship of the said Congregation, before or after morning service, at least two successive Sundays immediately preceding the day appointed for such meeting, which said request and consent must be annexed to all Deeds, Mortgages, or other conveyances for effectuating such sale, alienation or mortgage, such Deed mortgage or other conveyance, (except leases,) shall be valid unless sanctioned by two-thirds vote as aforesaid, of the proprietors or lessees of pews or halves of pews as aforesaid, and unless such request and consent in writing signed as aforesaid be annexed thereto: Provided always that the said Corporation shall not in any case lease or mortgage the said Burial Ground, or any part thereof, and also, provided always that the purchasers or mortgagees of real estate shall not in any case be bound or liable for the application of the consideration or mortgage money, or respectively, or any part thereof, and that a receipt for the same from the said Corporation or their Treasurer shall in all cases be a full discharge.

6. In case of the sale at any time of the Church or place of worship, held or to be held by the said Corporation, the proprietors of pews therein, shall be entitled to the same rights, and shall be proprietors to the same extent in the Church or place of worship to be erected or acquired, with the proceeds of such sale or otherwise by the said Corporation, and the prices at which such pews in the Church so sold have been conveyed before the passing of this Act by the said Corporation after the passing of the Act, shall be allowed, and credited to the proprietors towards the purchase by them of pews in the Church to be so erected or acquired.

7. In case of the absolute purchase of any pew in such Church or place of worship, the same shall be construed as a Freehold of inheritance, not subject to Forfeiture by change of residence, or by discontinuing to frequent the same, and the same may be bargained, sold, assigned to any purchaser thereof, and such purchaser, provided the same be duly assigned and conveyed to him, shall hold the same with the same rights, and subject to the same duties and charges as the original purchaser thereof: Provided, that if by reason of a change of residence, or by discontinuing to frequent the said Church, any pew shall not be occupied by such pew holder or his family, or other person under his authority, the said Corporation shall have the power to lease the said pew from year to year, in such manner and subject to such conditions for the re-occupation of the same by such proprietor on request as shall be provided by the by-laws of the said Cor-

poration, and also provided, that if the rent of any pew shall be unpaid for two successive years, all right to such pew shall be forfeited by the proprietors thereof, and the right and title to all pews so forfeited shall be, and become vested in the said Corporation immediately after such forfeiture. ^{Forfeiture of pew.}

8. The rent charge to be paid by proprietors of pews or parts of pews, and the rent to be paid by the lessees of pews, or parts of pews shall be regulated from time to time by a majority of those present, and qualified to vote at the meetings of the said Congregation called and held as hereinafter provided. ^{Pew charges, how regulated.}

9. The said Corporation may make, establish, and put in execution, alter or repeal such by-laws, rules and regulations respecting the temporal affairs of the said Congregation, as shall not be contrary to the Laws of this Province, or to the provisions of this Act, and as may appear to the said corporation necessary or expedient for the interests thereof: Provided, that such by-laws shall have no force or effect, unless, and until the same shall be approved and ratified by a majority of the proprietors or lessees of pews, or parts of pews, (qualified to vote as hereinafter provided) at the annual meeting of the congregation, or at a special meeting, called for the purpose of submitting such by-laws for ratification. ^{Corporation may make rules, &c.}

10. At all the meetings of the said corporation, duly convened, any four members thereof shall form a quorum for the transaction of business, and it shall be the duty of the Secretary of the said corporation to call a meeting whenever required, so to do by any two of the members of the Temporal Committee or by the President. ^{Quorum.}

11. On the first Monday of March next, after the passing of this Act, all the members of the Temporal Committee hereinbefore named, shall go out of office, and shall cease to be members of the Temporal Committee for any purpose connected with the property held, or to be held, in trust as aforesaid, or with the affairs of the said congregation, but shall not, by reason of having been previously members of the Temporal Committee, be disqualified from being re-elected in the manner hereinafter mentioned, nor shall any member thereof, who may be hereafter elected from the fact of having been such member, be disqualified for re-election after his term of office shall have expired. ^{Retiring Officers.}

12. All proprietors of pews, and lessees of pews or parts of pews, whether holding the same before the passing of this Act, or from the said corporation after the passing of this Act, and such only shall be considered members of the said congregation for the purposes in this Act mentioned and declared, and shall have a right to vote upon all matters submitted at the meeting of the congregation called as hereinafter directed; provided that no such proprietor or lessee of pews, or parts of pews, shall be entitled to vote at any meeting of the congregation unless he shall have been the actual occupant of a pew, or part of a pew, for at least one year immediately previous to such meeting, and unless all the pew rent due and payable by him or her, shall have been paid in full up to the date of such meeting. ^{Proprietors of pews—their right to vote.}

Annual General Meetings. Notice to be given.

13. An annual general meeting of the said congregation shall be held on the first Monday in March in each year, in the building used by the said congregation as a place of worship, notice of which meeting shall be given from the pulpit of the said church during the service on Sunday, at least two Sundays before the day appointed for such general meeting, and besides the power of election hereinafter specified, the said congregation may, at such annual meeting, exercise all the powers conferred upon them by this Act, and shall be competent for the transaction of business generally.

14. At the first annual meeting of the said congregation, to be held as hereinbefore provided, there shall be elected, by a plurality of the votes of the members of the said congregation present, and qualified to vote as aforesaid, seven members for the term of one year, and such seven members and their successors to be elected as hereinafter provided, shall, in virtue of such election, be members of the corporation, and shall have the same powers as the members hereinbefore named and incorporated, and shall go out of office at the expiration of the year, for which they shall be elected as aforesaid.

Election of members.

Vacancies.

15. At every annual meeting subsequent to that mentioned in the next preceding section, the said congregation shall, in the manner aforesaid, elect seven persons as successors to the members whose term of office expires at the time of such annual meeting, and, in case of a vacancy occasioned by the disqualification, death of, resignation, removal from the place, or refusal to act, or by the failure to elect a Temporal Committee at any annual meeting, such vacancy may be filled by the said congregation at a special meeting of the congregation called for the purpose, due notice of such special meeting to be given from the pulpit of the church or place of worship on the two successive Sundays immediately previous to the day appointed for such special meeting, provided always that in case of refusal or neglect of said congregation to elect a Temporal Committee as aforesaid, it shall be lawful for the Temporal Committee elected for the immediately preceding year to act till their successors shall be appointed.

Qualification.

16. No person shall be eligible to the office of member of the said corporation unless he be the proprietor or lessee of a pew, or half of a pew, in the said church, of at least one year's standing, not in arrear of rent, a stated resident of the city of Ottawa or its vicinity, and of the full age of twenty-one years, and not a member of any other church or religious congregation.

Election of President, Secretary, Treasurer.

President to have a casting vote.

17. Within ten days after each annual meeting, the members then in office shall elect one of their number as President, another as Secretary, and another as Treasurer of the said Corporation, who shall hold office till the close of the Annual Meeting next after their election, and vacancies in such offices may be filled at any meeting of the members of the Corporation regularly convened, and the President so elected shall, if present, preside at all meetings of the Corporation, and also at all meetings of the congregation, and in the absence of the said President such one of the members of the Corporation present as a majority of such meeting shall name, shall preside, and in case of an equality of votes at any such meeting, the President or

other person chosen to preside shall have the casting vote, and it shall be the duty of the Secretary to keep, in books for that purpose, minutes or records of the proceedings had at the meetings of the Corporation and of the said congregation, which shall be signed by the Secretary and President or other person presiding at such meeting, and shall be kept and held by the said Corporation in trust forever, for the said congregation, and it shall be the duty of the said Treasurer to collect and receive all moneys due to the said Corporation, and to keep and disburse the same under the direction of the said Corporation, and to keep a true and faithful account of all such receipts and disbursements.

Books of proceedings to be kept.

18. There shall be opened and kept by the said Corporation a register in which shall be entered and recorded from time to time the proceedings and transactions of the Corporation, and which register shall be open to the inspection of every proprietor or lessee of pews or parts of pews at all seasonable times.

And a Register.

19. It shall be the duty of the said members of the Corporation at each annual meeting, to submit a true and perfect account in writing (fairly entered in books to be kept for that purpose), of all sums of money by them received, and of all sums rated or assessed or otherwise due and not received, and of all moneys paid by them as such Corporation during their term of office: and they shall also, on going out of office, pay and deliver over to their successors in office all sums of money, books, accounts, goods, property and other things which shall be in their hands as such Corporation, and in case such Corporation shall make default to tender such accounts or deliver over such money, goods, books, and other things as aforesaid, it shall be in the power of their successors to proceed against them at law for such default.

Corporation to submit account at annual meetings.

Deliver books &c., over to their successors.

20. It shall be lawful for the said Corporation to call special meetings of the said congregation by a like notice to that required to be given in respect to the annual meetings, and on a requisition signed by fifteen members of the said congregation qualified to be elected members of the Temporal Committee as aforesaid, it shall be the duty of the said corporation, if they deem it expedient, to call a special meeting of the congregation, to be held within fifteen days after delivery of such requisition to the President or Secretary of the corporation, provided that the purpose or object of such special meeting shall be specified in the said requisition, and the notice calling the same, and no business shall be transacted at any such special meeting other than that specified in the notice calling the same.

Special Meetings.

21. All deeds of real estate which shall be made in favor of the said corporation shall be registered, according to law, within six months from the execution thereof, otherwise the same shall be void and have none effect.

Deeds of real estate to be registered.

22. All deeds, mortgages, leases and other conveyances shall be sealed with the common seal of the said corporation, and signed by the President and Secretary of the said corporation, in the presence of two subscribing witnesses.

Execution of deeds.

[No. 80.1

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to Incorporate the Temporal
Committee of St. Andrew's Church,
Ottawa, in connection with the
Church of Scotland.

PRIVATE BILL.

Mr. Scott,
Ottawa.

TORONTO:

PRINTED BY SAMUEL BEATTY.

Preamble not proved 17

No. 81.] BILL. 1868.]

An Act to authorise the Trustees of Mrs. Cairra Robbins Wilkes to convey to her certain real and personal estate. Preamble.

WHEREAS Cairra Robbins Wilkes, wife of George Samuel Wilkes, of Brantford, has by her Petition to the Legislative, represented that she became entitled by her father's will to certain real and personal estate in this Province, which said estate, she by deed of Marriage Settlement, dated the fifteenth day of November, 1843, did convey to certain Trustees therein mentioned, in trust first to her own use for life and to the use of her children as she should appoint, and in default, to such use as she might otherwise appoint, and that there has been no issue of the said marriage, and there are no rights existing, nor any revision in the said property to any other parties, under the said Marriage Settlement, and that by means of said trusts the said real estate is rendered comparatively valueless, and so unproductive as not to yield sufficient for the reasonable maintenance of the said Cairra Robbins Wilkes, and would be more valuable and beneficial if it was under her own control, free from the said trusts, and, therefore, hath prayed that an Act may be passed authorising her said Trustees, to convey all her said estate to her, and to relieve the said Trustees from the trusts in respect thereof; and it is deemed expedient to grant the prayer of the said petition. Petition. By Marriage Settlement, dated 15th November, 1843. Lands conveyed to Trustees, in trust for Petitioner for life, &c Estate unproductive Prayer.

Therefore, Her Majesty, by, and with the advice and consent of the Legislative Assembly of Ontario, etc., enacts as follows:—That Miles O'Reilly and Samuel Black Freeman, the Trustees under the said Marriage Settlement, are authorised and empowered to convey unto the said Cairra Robbins Wilkes, her heirs, and assigns, all the real and personal estate held by them, in trust, under the said Marriage Settlement, and upon such conveyance, so made, the said Trustees shall be relieved from all trusts mentioned in the said deed of Marriage Settlement. Trustees authorised to convey to Petitioner. Trustees relieved from their trusts.

2. The said Cairra Robbins Wilkes shall, thenceforth, have full power and authority, without the consent or concurrence of her husband, to deal with, charge, encumber, convey, or absolutely dispose of her property, by deed, will, or otherwise, free from all claim estate, by the courtesy, control, or interference of her husband, as if she were sole and unmarried. Petitioner invested with absolute power and control over Trust Estate M. O'Reilly Trustee.

[No. 81.]

1st Session, 1st Parliament, 31st Victoria, 1868.

AN ACT

To authorize the Trustees of Mrs.
Caira Robbins Wilkes to convey to
her certain real and personal pro-
perty.

PRIVATE BILL.

1st Reading, February 3, 1868.
2nd Reading, 1868.
3rd Reading, 1868.

HON. E. B. WOOD,

TORONTO:

PRINTED BY SAMUEL BEATY.

Preamble Approved 14 11 11

No. 82.]

BILL.

[1868.

An Act to authorize George Taylor and Thomas Cook to convey certain Trust Lands to George Dennis Morse in fee.

WHEREAS George Taylor, Thomas Cook, William Mills Morse and George Dennis Morse, by petition have represented that by two several indentures of bargain and sale, bearing date respectively the twenty-fourth day of January, one thousand eight hundred and sixty-three, and the first day of March, one thousand eight hundred and sixty-four, and made between the said William Mills Morse of the first part, Elizabeth Morse, his wife, of the second part, to bar her dower only, the said George Dennis Morse of the third part, and the said George Taylor and Thomas Cook of the fourth part. The following lands and premises were conveyed by the said William Mills Morse to the said George Taylor and Thomas Cook, as trustees, and in trust for the said George Dennis Morse, his heirs and assigns, and which said lands are described as being situate in the Township of York, in the County of York, in this Province, and being composed of all that part of the west half of lot number ten, in the second concession, from the bay in the township of York, lying east of the Don Mills road, subject to the reservations, easements and privileges contained in a deed registered as memorial No. 58,102 in the Registry Office for the County of York; also those certain parcels or tracts of lands and premises situate lying and being in the said township of York, and being composed firstly of all that part of lot number fifteen, in the second Concession, from the Bay in the said Township of York, and more particularly described in certain deeds from John Taylor, Thomas Taylor and George Taylor, to the said William Mills Morse and John Taylor Morse, bearing date the first day of October, one thousand eight hundred and fifty-seven, and registered in the Registry Office for the County of York, as memorial No. 70,653, and from John Taylor Morse to the said William Mills Morse, bearing date the seventeenth day of January, one thousand eight hundred and sixty-three, and registered in the said Registry Office for the County of York, as memorial No. 85,523.

Secondly, All that certain parcel or tract of land lying situate lying and being in the said township of York, and being composed of part of the original allowance for road between lots numbers ten and fifteen in the second Concession, from the bay in the said township of York, and more particularly described in a certain deed from the Municipal Corporation of the said township of York, to the said William Mills Morse, bearing date the second day of June, one thousand eight hundred and sixty-three, and registered in the Registry Office for the county of York, as memorial No. 86,705.

And whereas they have further represented that they have all agreed by and between themselves that the said lands and premises, instead of being held by the said George Taylor and Thomas Cook, as trustees, and in trust for the said George

Preamble.
Petition setting forth certain deeds of lands in Township of York in trust G. D. Morse.

Parcels.

Other parcels

Agreement for conveyance of lands to said G. D. Morse.

Dennis Morse, his heirs and assigns shall be conveyed by the said trustees as aforesaid to the said George Dennis Morse, his heirs and assigns, for ever in fee simple, and it is advantageous and beneficial for the said petitioners, and for their interest, that the said agreement should be perfected.

And whereas the said George Taylor and Thomas Cook, although desirous of performing the said agreement, and of executing to the said George Dennis Morse a proper conveyance of the said lands in fee simple, are disabled from so doing by reason of the trusts contained in the several indentures of bargains and sale aforesaid, and the said petitioners have prayed for an act to enable the said George Taylor and Thomas Cook to perform the said agreement and authorize them to convey and assure the said lands and premises, hereinbefore recited, to the said George Dennis Morse, his heirs and assigns for ever, in fee simple; and whereas it is expedient to grant the prayer of the said petition, therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Upon from and after the passing of this Act, it shall and may be lawful for the said George Taylor and Thomas Cook, and they are hereby authorized and empowered so to do to convey and assure to the said George Dennis Morse, his heirs and assigns for ever, in fee simple, the said above-described parcels or lots of land and premises, and to make, execute, and deliver all such deed or deeds requisite and necessary to be given to give effect to such conveyance or transfer, and the conveyance or conveyances so to be made shall be and the same are hereby declared to be as good and effectual and binding at law and in equity to all intents and purposes whatsoever, as if the said lands had been conveyed direct from the said William Mills Morse to the said George Dennis Morse, in fee simple, in the first instance.

2. That from and immediately after the execution and delivery of the said deed or deeds from the said George Taylor and Thomas Cook to the said George Dennis Morse, the said George Taylor and Thomas Cook, their heirs, executors and administrators, shall be freed from all and all manner of responsibility under the trusts in the said several indentures contained.

3. This Act shall be deemed a public Act.

[BILL N

1st Session, 1st Parliament

BI

An Act to author
and Thomas Co
tain Trust Land
Morse, in fee.

PRIVATE

II

PRINTED BY SA
TORO

2
3
" " 29 Feb 2 Mar
No 83.]

BILL.

1868.]

An Act to Incorporate the Rama Timber Transport Company.

WHEREAS Frederick W. Cumberland Humphrey Lloyd, Hime, Dalrymple Crawford, and S. W. Farrell, have by their petition represented that the construction of a water channel, canal, or tramway, uniting the waters of Black River, in the County of Ontario, with the waters of Lakes St. John and Couchiching, would materially facilitate and cheapen the transportation of timber and sawlogs from the district tributary to those waters, and pray to be incorporated for that object, and whereas it is expedient that the prayer of said petitioners should be granted. Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Frederick W. Cumberland, Henry W. Sage, Dalrymple Crawford, DeWitt Linn, Humphrey Lloyd Hime, and S. W. Farrell, together with such other persons as shall under the provisions of this Act become Shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted, and declared to be a body corporate, and politic, by and under the name of "The Rama Timber Transport Company, Limited." Certain persons incorporated.
Corporate name.

2. The said Company shall have full power and authority to explore the Country lying between the waters of the Black River, in the county of Ontario, and the Eastern Shore of Lake Couchiching; and to designate, and establish, and to take, and appropriate for the use of the said Company, and their Successors, a strip of land, two hundred feet in width, extending from any point on the said Black River, in the county of Ontario, to Lake St. John, and thence to Lake Couchiching for the purposes hereafter mentioned. company may explore and take land.

3. The said Company shall have power to construct and maintain a Canal or Timber Slide, to connect Black River with Lake Couchiching, upon said strip of land, and shall have the full use and enjoyment of the waters of the Black River or Tributary Streams, and of Lake St. John, for the purpose of supplying said Canal, and floating or moving timber or sawlogs. May construct canal or timber slide.
May use waters.

4. It shall be lawful for the said Company to construct upon said strip of land a rail or tramway, for the purpose of transporting timber, lumber or sawlogs. May construct rail or tramway.

5. It shall be lawful for the said Company to construct and keep in repair all locks, bridges, towpaths, works, and erections necessary for the said Canal and tramway. Powers to construct locks, &c.

6. The said Company shall have the power to occupy and enjoy the portions of the shore of Lake Couchiching for the Portions of Lake Shore

may be occu- distance of yards, on such side of the mouth of
 pied. said Canal or Timber Slide, for the storage and moving of tim-
 ber, lumber, or sawlogs.

Person own- 7. After said strip of land shall be set out and ascertained,
 ing land may as required, for making and completing the said Canal, and
 sell to com- Rail or Tramway, and after the said portions of the Shore of
 pany. Lake Couchiching can be ascertained, it shall be lawful for all
 persons who shall be entitled to any interest in said lands to
 bargain and sell such interest to the said company, and the
 company may contract, compound, compromise, or agree with
 such persons as to the price to be paid for said land; and in case
 of disagreement between the company and any such inter-
 ested persons, as to the price or compensation for said lands, or
 for any lands flooded or injured by the works of the company, it
 shall be lawful for such disagreeing person to nominate one in-
 different arbitrator, and for the company to appoint another in-
 different arbitrator, who, together with a third to be chosen by
 them, shall award and order the amount to be paid by the com-
 pany, provided that any such award may be enforced or set aside
 in like manner as the awards of arbitrators, in civil cases, in this
 Province.

Mode of pur- 8. In case any portion of the said canal shall pass through land
 chase of In- belonging to the Indian Department, compensation shall be
 dian Lands. made, and differences as to price shall be settled, in the same
 manner as is provided with respect to the property of private
 individuals—provided that the Indian Department who shall be
 entitled to receive any amount paid or awarded as price or com-
 pensation shall appoint one arbitrator.

Tolls and Ta- 9. It shall be lawful for the company to levy tolls from persons
 riff may be using said canal or timber-slide, and to impose a tariff upon the
 imposed. carriage of timber, lumber, sawlogs, or other freight over said
 rail or tramway—provided the rate of such tolls and tariff shall
 be first approved, and shall from time to time be subject to revi-
 sion by the Lieutenant Governor in Council.

Provisional 10. Frederick W. Cumberland, Henry W. Sage, Dalrymple
 Directors. Crawford, DeWitt Linn, Humphrey Lloyd Hime, and S. W.
 Farrell, with power to add to their number, shall be, and are
 hereby constituted a Board of Directors of the said company,
 and shall hold office as such until other Directors shall be
 elected under the provisions of this Act by the Shareholders,
 and shall have power, and authority, immediately after the pass-
 ing of this Act, to open Stock Books, and procure Subscriptions,
 for the undertaking; to make calls upon Subscribers, and to
 cause Surveys and Plans to be made and executed.

Capital Stock 11. The capital stock of the said company shall be Forty
 Thousand Dollars, divided into Eight Hundred Shares, of Fifty
 Dollars each, and may be issued at such times, and in such pro-
 portions, as the Directors may think proper—provided that
 Stock to the amount of
 shall be subscribed and paid up before the company shall go into
 operation.

Commence- 12. That this Act, and all the provisions thereof, shall be-
 ment and completion of work. come null and void unless the construction of the said Canal or
 Timber-slide be commenced within two years, and completed
 within four years of the passing of the same.

13. The Joint Stock Companies General Clauses Consolidation Act, being the Act, twenty-four Victoria, chapter eighteen, shall extend and apply to the purposes for which the parties hereinbefore named are incorporated, and the said company shall have all the powers and benefits, and be subject to the liabilities, duties, and restrictions, given to and imposed upon incorporated Joint Stock Companies by the following sections of the said Joint Stock Companies General Consolidations Act, which are accordingly, hereby, made applicable to the said company, and shall be incorporated with and form part of this Act, and be construed as forming one Act therewith, that is to say, the fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-sixth, twenty-seventh, thirtieth, thirty-first, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, forty, and forty-first sections of the said Joint Stock Companies General Clauses Consolidation Act.

Certain clauses of 24th Vic., cap. 18 to apply to Company.

Clauses incorporated

14. This Act shall be deemed a Public Act.

Public Act.

[No. 83.]

1st Session, 1st Parliament, 81st Victoria, 1868.

BILL.

An Act to Incorporate the Rama
Timber Transport Company.

PRIVATE BILL.

1st Reading, February 3, 1868.

FRED. CUMBERLAND.

TORONTO :

PRINTED BY SAMUEL BEATTY.

An Act to amend the Act respecting the Partition of
Real Estate in Ontario.

WHEREAS it is desirable to make certain amendments in
the Act respecting the Partition and Sale of Real Es-
tate in Ontario, 22 Victoria, Chapter 86.

Preamble.

Therefore Her Majesty by and with the advice and consent
of the Legislative Assembly of Ontario, enacts as follows:

1. The ninth, tenth, fifteenth, sixteenth, seventeenth, eighteenth, twentieth, twenty-first, twenty-fifth, twenty-sixth and thirty-fifth sections of the said Act, numbered Chapter Eighty-six of the Consolidated Statutes of Upper Canada, shall be and the same are hereby repealed, and the following Sections substituted in lieu thereof.

Certain sections of cap 86 U. C. Con. Stats. repealed and others substituted.

2. In case any of the parties interested, other than a petitioner by Guardian, be a minor, and in case it be satisfactorily proved to any Judge of the Court presiding in Chambers, that at least fourteen days notice of an intention to apply to the Court, for a rule or order for partition or sale, has been served on such minors as reside in the Province of Ontario, or otherwise served as hereinafter provided, such Judge shall and may thereupon, whether the said Minors, or any of them, reside within or without said Province appoint a suitable and disinterested person to be Guardian, for one or more of such Minors for the special purpose of taking charge of the interests of such Minors, in the proceedings upon such petition.

In case of minors, Judge in Chambers upon notice

May appoint Guardian.

3. Every guardian so appointed shall, before entering upon his duties execute to the Real Representative of the County wherein the estate or any part thereof is situate by his own name of office as Surrogate Judge and Real Representative for the County and his successors in office and according to the terms of the Rule or Order appointing such guardian, a Bond in such penalty and with such sureties as the Court in which the petition has been filed, or any Judge presiding in Chambers may direct, and to be allowed by the Master or Clerk of such Court upon proper proof of the sufficiency thereof on two days notice for that purpose, conditioned for the faithful discharge of the trust committed to him, her or them, and to render a just and true account of his, her or their guardianship, when required by the Court or any Judge thereof, and upon such further conditions as the said Court or Judge may direct, and no proceedings shall be taken upon the petition until such Bond shall have been filed in the office of the Clerk of the Crown, Clerk of the County Court, or Registrar of the Court of Chancery, as the case may be, wherein the petition has been filed.

Guardian before acting to execute Bond.

Conditions of Bond.

4. Upon the presentation of a Petition and upon such proof of the service or publication thereof with the notice as aforesaid and of the facts justifying the mode of publication as may be satisfactory, a Judge in Chambers, upon application to be made to him

Upon presentation of petition and requisite proofs

to be allowed. at any time before the day mentioned for the presentation of the petition as aforesaid, and to be certified by him to the Court accordingly, the Court shall by rule allow such petition, and thereupon the parties interested in the estate shall appear in person; or by Attorney or Solicitor, and may by a concise statement of facts, by way of plea or answer, and according to the practice of the Court in which the petition may have been filed, show title to the proportions which they or any of them claim of the premises set forth in the petition within fifteen days next after being served with a copy of the said Rule and a notice to be endorsed thereon requiring them to plead or answer within the time above specified.

Service of Rules, &c.

5. Notice of the Rule of Allowance, and any copies thereof, and all other rules, orders or copies, notices or other paper writings in any proceeding subsequent to the service of the petition, unless otherwise in this Act specially directed, may be served by affixing the same in the office of the Clerk of the Crown, County Court Clerk, or Registrar of the Court of Chancery, as the case may be, which shall be equivalent to, and effectual as personal service on the party or parties to be affected thereby.

After Petition filed parties may consent in writing to a partition or Sale.

Rule or order thereon.

In case of death or from other causes proceedings under this section become inexpedient

The same may be quashed,

And order made as to costs.

Parties appearing may plead or answer jointly

6. In case at any time after filing the petition and before a final order, decree, rule or judgment has been made or pronounced, the parties of, or against whom partition or sale is demanded appear in person, or by guardian if infants, or by their Attorney or Solicitor, and pay their proportion of costs then incurred, and consent (by agreement in writing to be signed and sealed by all the parties, petitioners or respondents, or who are interested in the estate sought to be partitioned or sold, and in case of infants by their guardians, such agreement to be verified by affidavit, and which consent or agreement by the guardian of an infant or infants shall bind him or them as though made by a person of full age in his own right) to a partition or that sale shall be made thereof by such person or persons as the parties may by like agreement in writing unanimously agree upon; and the Court or a Judge may, by rule, or order upon reading such agreement in writing order that such partition or sale so agreed upon or made shall be as valid and effectual between the parties as though made under the other provisions of this act; and all subsequent proceedings to perfect such partition or sale shall thereupon be taken as is by this act provided. And in case by reason of the death, absence, default or misconduct of any of the parties to the consent aforesaid, or by reason of the discovery of any other person who may prove to have an interest in the lands, and who will not come into the consent aforesaid, or by reason of the death, misconduct or refusal to act of the arbitrator or arbitrators that may have been appointed as aforesaid it may become impossible or inexpedient to proceed under this section, the Court, or a Judge may on application of any person concerned, order all proceedings under this section to be quashed; and proceedings may then be had under all or any of the other provisions of this act; and the Court or a Judge may make such order as to the payment of costs by or to such person or persons as may be deemed fit.

7. Any party appearing may plead or answer either separately or jointly with one or more of his co-defendants, that the petitioners, or any of them at the time of presenting the petition

were not entitled to, or in possession of the premises, or any part or separately thereof; or that the defendants or any of them had no interest in the premises, or did not hold the same together with the petitioners at the time of the commencement of the proceedings as alleged in the petition, or such other matter as such person shall desire to plead or answer, provided it be certified by counsel that such matter raises a legitimate question for adjudication as to the rights of any of the parties concerned; and at the expiration of the fifteen days allowed for pleading or answering the party having the conduct of the cause may, upon a verified copy of the petition and of all pleadings that may have been filed as aforesaid, and upon such statement on affidavit as may be necessary, apply to the Court or a Judge in Chambers for a rule or order either for an immediate reference to the Real Representative, or for the trial of any issue of fact that may have been raised by the pleadings, or that a special case may be stated for the opinion of the Court in which the petition shall have been filed, or both, for the trial of an issue of fact or law, or for any other rule or order that the Court, or a Judge, may think proper under the circumstances.

Counsel to
certify as to
the Law on
the subject.

Rule for refer-
ence or trial
of issue

or special
case.

8. The following words shall be added to and form part of Section nineteen of the said Act:—And any special case so ordered as aforesaid may be made up, and proceeded upon inclusive of judgment thereon in like manner as the law directs for the practice as to special cases.

Amendment
of sec. 19 of
Cap. 86, U. C.
Con. Stats.

9. The Petitioners shall, whether or not the other parties who have been called upon to appear, and plead or answer, shall have appeared and pleaded or answered, exhibit *prima facie* proof of their title at the time of application for the order mentioned in the eighteenth section of this Act; and at the time of making such order, or if an issue in fact has been ordered, or a special case stated as aforesaid, then, upon the final determination of the questions of law or fact, (if any,) so ordered to be tried as aforesaid, the Court or a Judge shall determine and declare the rights, title and interests of all the parties concerned, and order the real representative to proceed as hereinafter directed, according to such rights, but not so as to affect any parties whose rights have not been ascertained.

Petitioners to
exhibit *prima
facie* proof of
their title.

10. The said Court or Judge shall by such rule or order, as in the last section mentioned, direct the real representative to make the partition so adjudged according to the respective rights of, and interests of the parties, as the same have been ascertained and determined, as aforesaid, and in such rule or order the Court or the Judge shall designate the parts or shares, which remain undivided for the owners whose interests may be unknown, and not ascertained, and the real representative shall forthwith proceed to make such partition according to the judgment of the Court, or a Judge, unless it appears to him that partition cannot be made without prejudice to the owners of the estate, in which case he shall make a return of such fact to the Court in writing under his hand.

Order for Par-
tion by Real
Representa-
tive.

11. Section twenty-two of said Act shall be amended by striking out the words "as adjudged by the Court" in the third line thereof and inserting in lieu thereof "so adjudged as aforesaid."

Section 22 of
Cap. 86 Con.
Stat. U. C.
amended.

On report by Real Representative that partition cannot be made without injustice to parties Court or Judge may order Sale. **At Public Auction.** **Payment of purchase money.**

12. Upon the report of the Real Representative that it appears to him that partition cannot be made without prejudice to the owners of, or parties interested in the estate, the Court, or a Judge in Chambers may order a sale of the estate if deemed prudent so to do, and by a Rule or order to be made on filing the said Report may direct and order the Real Representative to cause the said Estate, or any part thereof, to be sold by a fit and proper duly licensed Auctioneer, and to be approved of by said Real Representative, at Public Auction to the highest bidder, reserving to the Real Representative power from time to time to adjourn the sale, if, in his judgment, an adequate price is not bid for the Estate or any part thereof; and in such Rule or order the Court or Judge shall direct the terms of payment of the purchase money and credit which may be allowed for any portions thereof, and of which such Court or Judge may think proper to direct the investment, and as are required by the provisions hereinafter contained, to be invested for the benefit of any unknown owners, infants, parties out of the Province, or any tenants for life, in dower, or by curtesy, and such portions of the purchase money for which credit is allowed shall be secured, at interest, by a mortgage of the premises sold by a bond of the purchaser, and by such other security as the Court may prescribe.

Mortgage Securities for portions of purchase money ordered to be invested.

13. The Real Representative may take separate mortgages, or other securities for such convenient shares or portions of the purchase money, as have been directed to be invested as aforesaid, in his own name of office as Surrogate Judge and Real Representative for the County, and his successors in office and assigns, and for such shares as any known owner or party interested of full age, in the name of such owner, and upon such sale being confirmed, the Real Representative shall deliver such Mortgage to the Clerk of the Court or Registrar, as the case may be, or deliver or assign the same to the known owner, of the full age of twenty-one years, or his, her, or their Guardian or Guardians, whose shares have been ascertained and so invested.

Investment of Sale monies.

14. All investments of monies received from any sales under the said recited Act, shall be made in Provincial or Consolidated Municipal Loan Fund Debentures, Canadian Consolidated Stock of any Bank Chartered in Canada, or on Mortgage of Real Estate in the Province of Ontario.

Additional clauses. **Former acts of Real Representative declared valid.** **Releases and discharges.**

15. And it is hereby further enacted as aforesaid, that all investments made on mortgage of Real Estate, and all acts and proceedings heretofore done and performed by virtue of said act, by any Real Representative, shall be, and the same are hereby declared valid and effectual, and the successors in office, or any of them, of any deceased Real Representative shall be and are hereby duly empowered, upon payment in full of any sum or sums of money secured by mortgage as aforesaid to any deceased Real Representative in his lifetime, or to any successor or successors in office, to execute and grant all necessary releases and discharges of the same, notwithstanding the said investments should, under the said recited act, have been made on other class of securities.

Powers of Judge in Chambers.

16. And it is hereby further enacted, that a Judge in Chambers shall have equal power and jurisdiction with the full court in all proceedings under the said act, as fully, as if specially named

therein except where the word "Court" is in this Act used alone.

17. And all affidavits, rules, orders, reports, and all other papers and documents which may be filed with any clerk in Chambers or Deputy Registrar in Chancery or Real Representative during the progress of any proceeding under the said Act or this Act shall be by him immediately thereafter handed over to the Clerk of the Court in which the petition has been filed to be by him safely kept as a muniment of title.

Affidavits,
Rules, Orders
and Reports
to be filed.

As muni-
ments of title.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL

To amend the Act respecting the Partition of Real Estate in Ontario.

1st Reading, January 30th, 1868.

MR. COYNE.

TORONTO :

PRINTED BY SAMUEL BEATTY.

An Act to amend the Act passed in the 27th & 28th Victoria, chapter 28, entitled "An Act respecting the Office of Sheriff, and to make further provisions respecting the said office.

HER MAJESTY, by and with the the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. That all accounts, moneys, books, papers, writs, warrants and processes, of whatever kind, and all other matters and things in the possession, or under the control of the Sheriff, by virtue of or appertaining to his office, shall, upon his resignation, removal, or death, immediately thereafter become the property of the County Attorney of the county in which the Sheriff's office is situate, who shall hold the same for the benefit of the public until the appointment of another Sheriff, to whom such County Attorney shall deliver over the same but not until such Sheriff and his sureties have executed the bond in the said hereinbefore recited act mentioned.

Upon resignation, removal or death of Sheriff, all accounts, monies, &c., to become the property of the County Attorney for the public benefit until new appointment.

2. That any person or persons wrongfully holding or getting possession of any such accounts, moneys, books, papers, writs, warrants, processes, or matters aforesaid, shall be guilty of a misdemeanor, and upon the declaration in writing of the Judge of the County Court, or County Attorney, in which the Sheriff's office is situate, that a person or persons has or have obtained or hold such wrongful possession thereof, and upon the order of a Judge of either of Her Majesty's courts of law founded thereon, such person or persons shall be arrested by the Sheriff or the High-constable of any county in which he is found, and shall by such Sheriff or High-constable be committed to the common gaol of his county, there to remain without bail until one of such superior courts, or a Judge thereof, be satisfied that such persons or persons has or have not and never had nor held any such matters, or that he or they has or have fully accounted for or delivered up the same to such County Attorney, or until he or they be or are otherwise discharged by due course of law.

Wrongful withholding to be a misdemeanor.

Offender to be arrested and committed until account or delivery.

Or other discharge.

3. That upon the passing of this act, every person who has heretofore at any time held the office of Sheriff of any county in Upper Canada, now the Province of Ontario, if alive, and the heirs, executors, and administrators of every such person, if dead, shall forthwith deliver over to the new Sheriff of such county, all books, papers, writs, warrants, processes and all other matters and things whatsoever in his or their possession, custody, or power, and which such person or such Sheriff, by virtue of his office kept, received, or became possessed of.

Books and papers, &c., to be delivered over by late Sheriff to new Sheriff.

BILL.

An Act to amend the Act passed in the 27th and 28th Victoria, Chapter 28, Entitled An Act respecting the office of Sheriff, and to make further provisions respecting the said office.

1st Reading, February 3, 1868.

J. EYRE.

TORONTO:

PRINTED BY SAMUEL BEATTY.

Discharged

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No. 87.]

BILL.

[1868.

An Act to amend the Act respecting Division Courts.

WHEREAS it is expedient to amend the procedure of the Division Courts in the Province of Ontario; to increase their efficiency; to remove doubts as to the duties and powers of the officers of the said courts in certain cases; to change the mode of setting off Divisions; in certain cases to allow of fees for counsel as costs in the cause; to increase the jurisdiction of the said courts, and to provide a court of appeal from the decisions given in said courts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. The third section of the Division Court Act is hereby amended by adding the words following: "That the Municipality or Municipalities within such divisions, shall provide suitable accommodation for the holding of the courts, and in case of neglect or refusal so to do, the Judge of such court may remove the court therefrom into another division." Sec. 3. Division Court Act amended.

2. Section five of the said Act is hereby amended, by striking out the word "not;" and after the word "record" the following shall be added: "and all Judgments heretofore rendered, given, or ordered in any of the Division Courts of this Province, shall be and have the same force and effect as of Judgments of a Court of Record." Sec. 5 amended.

3. The fourth section of the Division Court Act is hereby amended, by inserting after the words "sealed or stamped," the words "and a stamp with the name of the County and the number of the Court engraved thereon, and furnished with moveable types for the year, month and day, to be used for the defacement of the Fee Fund Stamps by the clerk." And by inserting after the word "seal," the words "and stamped." Sec. 4 amended.

4. Section six of the Division Court Act is hereby amended by the addition thereto, after the last word, of the following: "But a court shall be held regularly in each City and County Town, and no change shall be made in the place of holding the sittings of any court unless accompanied by a change in the limits of the division without three months' notice thereof being first given in the clerk's office, and in two or more newspapers, published in the County." Sec. 6 amended.

5. Section seven of the Division Court Act is hereby amended by striking out the words "Magistrates of any County in Quarter Sessions assembled," and inserting in lieu thereof, the words "County Judge of any County." Sec. 7 amended.

6. Section eight of the Division Court Act is hereby repealed and the following substituted therefor:

Sec. 8 repealed.

County Judge to appoint divisions. "The County Judge in each County, subject to the restrictions in this Act contained, and to the approval of the Governor, may appoint, and, from time to time, alter the number, limits and extent of every division, and shall number the divisions, commencing with the division in which the County Town is situated, which shall be number one, not altering the numbers as they now stand."

Sec. 10 amended. 7. Section ten of the Division Court Act is hereby amended by striking out all after the word "before," and inserting in lieu thereof the words, "until the County Judge of the junior county appoint the number, limit and extent of the divisions for Division Courts within the limits of such junior county as hereinbefore provided for, and such appointment shall be made within three months after the separation of the junior from the senior county."

Sec. 11 amended. 8. Section eleven of the Division Court Act is hereby amended by striking out the words "Justices of the Peace in any county in General Quarter Sessions assembled alter," and inserting in lieu thereof the words, "When the County Judge of any county alters."

Sec. 14 repealed. 9. Section fourteen of the Division Court Act is hereby repealed.

Sec. 20 amended. 10. Section twenty of the Division Court Act is hereby amended by adding to the end thereof the words, "In case of the death of a sole Judge, or other entire vacancy of the office of Judge in any county no adjournment or further adjournment of any Division Court in such county shall be made, under the next preceding section, and all proceedings in such courts shall stand adjourned until and to such time and place as shall be fixed by the Judge appointed for such county after such vacancy."

In case of the death of judge or other total voidance of office.

Sec. 22 amended. 11. Section twenty-two of the Division Court Act is hereby amended by adding to the end thereof the words, "But any Division Court Clerk may act as deputy to the Clerk of the County Court, or to the Deputy Clerk of the Crown and Pleas."

Sec. 25 repealed. 12. Section twenty-five of the Division Court Act is hereby repealed, and the following substituted therefor:

"Every Clerk and Bailiff of a Division Court shall, by a covenant, according to the form A, in the Schedule hereunto annexed, or in words to the same effect, give security with so many sureties, being freeholders, and in such sums as the County Judge may direct and shall under his hand approve and declare sufficient; such sum not to exceed, for the clerk, double the average of the balance remaining in court at the end of each quarter, for the two years last preceding the date of such covenant, and the sureties, each in half that sum.

"When the appointment is to a new division, in which no business has been done, the Judge shall fix the amount of security at his discretion, and the Judge of the county may, if he prefers so to do, accept the security of any guarantee company in good standing in this Province."

Sec. 33 amended. 13. Section thirty-three is hereby amended by striking out the words, "When prevented from acting by illness or other unavoidable accident."

14. Section thirty-five of the Division Court Act is hereby repealed, and the following substituted therefor : Sec. 35 amended.

“The Plaintiff shall furnish the Clerk with the particulars of his claim or demand, and the Clerk shall annex such particulars, or a certified copy thereof to the Summons, and shall furnish copies thereof and of the Summons to the proper person to serve the same ; the Clerk shall not be required to part with the original particulars of demand, or allow them to go out of his possession.” Plaintiff to furnish particulars of claim.

15. Sections thirty-eight and thirty-nine are hereby repealed. Sec. 38 & 39 repealed.

16. Section fifty-one of the Division Court Act is hereby repealed, and the following substituted therefor : Sec. 51 repealed.

“If the fees are not paid in the first instance by the Plaintiff, the Clerk may certify to the Judge at the trial or hearing what fees are unpaid, and the Judge shall at the request of the Clerk refuse to proceed with the trial of the cause until the Plaintiff has paid to the Clerk the fees due, and also the fees accruing on the hearing and order or judgment, and recording the same ; and if the fees are not paid before the closing of the Court the Judge may, in his discretion, either dismiss or adjourn the cause, with such compensation to the defendant for his lost time and his trouble as the Judge shall see fit ; and the Judge, without further notice to the Plaintiff, may order an Execution to issue in fifteen days, against the goods and chattels of the Plaintiff for the costs so due, and the allowance, if any, made to Defendant ; but the Clerk shall not be allowed any fee for issuing such Execution.” If fees not paid by plaintiff how enforced.

17. Sub-section two of the fifty-fifth section of the Division Court Act is hereby repealed, and the following substituted therefor : Sub. Sec. 2, of Section 55 repealed.

“All claims and demands of debt, accounts, or breach of contract, or covenant, or money demand, whether payable in money or otherwise, together with simple interest thereon, where the original note, claim, debt, demand or balance thereof does not exceed one hundred dollars, and except in cases where a jury is legally demanded by a party to a suit as hereinafter provided, the Judge of every Division Court shall be sole Judge in all actions brought in such Division Courts, and shall determine all questions of law and fact in relation thereto, and he may make such orders, judgments, or decrees thereupon as appear to him just and agreeable to equity and good conscience.” Cases in which the Court has jurisdiction.

“And the Judge of every Division Court may hold plea of, and may hear and determine in a summary way for or against all persons, bodies corporate or otherwise entitled to and seeking an account of the dealings and transactions of a partnership dissolved or expired, the joint stock or capital not having been over one hundred dollars.” Copartner-ship.

18. Section fifty-eight of the Division Court Act is hereby amended, by inserting after the word, “dollars,” the words, “and interest thereon.” Sec. 58 amended.

Sec. 59
amended.

19. Section fifty-nine of the Division Court Act is hereby amended, by striking out the words, "and no greater sum than one hundred dollars shall be recovered in any action for the balance of an unsettled account."

Sec. 74
repealed.

20. Section seventy-four of the Division Court Act is hereby repealed, and the following substituted therefor :

Plaintiffs to
enter copy of
his claim
with clerk.

Notice.

"The Plaintiff shall enter with the Clerk a copy, and if necessary copies of his account, claim or demand in writing, (and in cases of Tort the particulars of his demand), which shall be numbered according to the order in which the same are entered, and thereupon a Summons shall be issued bearing the number of the account, claim or demand on the margin thereof, and containing a notice in the following or similar words: 'Take notice that A. B., the above named Plaintiff, claims to recover from you the sum of dollars for the causes set forth in his statement of claim hereunto annexed, and if you have any defence to the said claim, or desire to set off any demand against the Plaintiff, you are to give notice thereof, in case of set off adding the particulars of such set off, to the Clerk of the said Court within six days after the service hereof, in which case you are to be, and appear at the sittings of this Court, to be holden at at the hour of on the day of to answer the said Plaintiff, so far as mentioned in your notice of defence, and if you omit to give such notice within the time aforesaid, the plaintiff may, after the expiration of Twenty days from the day of the service hereof upon you, obtain judgment against you for the full amount of his claim and costs, and issue execution therefor.' And on the trial of the cause no evidence shall be given by the Plaintiff of any cause of action except such as is contained in the account, claim or demand so entered."

Sec. 75 & 76
repealed.

21. Sections seventy-five and seventy-six of the Division Court Act are hereby repealed, and the following substituted therefor :

Service of
summons to
be twelve
days:

"The summons, with a copy of the account, or of the particulars of claim or demand attached thereto, or endorsed thereon, shall be served twelve days at least before the return day thereof, and if none of the defendants reside in the county, or in the adjacent county to that in which the action is brought, such summons and copy shall be served fifteen days, at least, before the return day thereof."

Sec: 77
amended.

22. Section seventy-seven of the Division Court Act is hereby amended by adding thereto after the word "dealing" the words following: "But upon special affidavit of the plaintiff or his agent, or of the bailiff, setting forth to the satisfaction of the Judge that the defendant was aware, or might have been made aware, of the service of a summons upon his wife, or servant, or grown-up person being an inmate of his house, in time to allow said defendant to give notice of his objection or set-off within six days after service of summons, the Judge may, where the amount claimed does not exceed twenty dollars, declare the said service to be a good and sufficient service, and may order judgment to be entered as in cases where the amount claimed does not exceed eight dollars."

23. Section eighty-two of the Division Court Act is hereby amended, by striking out all after the word "therein," and substituting in lieu thereof the words, "Except when the suit is brought against any corporate body, of which the clerk or bailiff may be members, and no clerk or bailiff shall bring any suit in the Division Court of which he is clerk or bailiff, except as member of some corporation or trading company, or as executor or trustee." Sec. 82 amended.

24. Section eighty-five of the Division Court Act is hereby amended, by striking out the words "final and absolute." Sec. 85 amended.

25. Section eighty-seven of the Division Court Act is hereby amended, by striking out the words "at least six days before the day appointed for the trial of the cause," and inserting in lieu thereof the words, "within six days after the service of the summons." Sec. 87 amended.

26. Section ninety of the Division Court Act is hereby repealed, and the following substituted therefor: Sec. 90 repealed.

"The defendant, after giving notice to the Clerk of his intention, within six days after service of summons, as hereinbefore required, may, at any time, within twelve days from the date of such service, pay into court such sum as he thinks a full satisfaction for the plaintiff's demand, together with the plaintiff's costs, up to the return of his intimation as to whether he will accept of such sum or not. If the defendant does not pay such money into court within twenty days from the date of service of summons, the plaintiff may order the Clerk to enter judgment for the full amount claimed and costs, and issue execution thereupon as if defendant had not entered any notice; And no notice of payment of money into court shall be served on the plaintiff until such money is actually paid." Defendant, after notice may pay money into court. If he does not

27. Section ninety-two of the Division Court Act is hereby repealed, and the following substituted therefor: Sec. 92 repealed.

"In case of set-off, if the Defendant's claim as proved, equals the Plaintiff's claim as proved, the Judge may non-suit the Plaintiff, and if the Defendant's claim as proved, exceeds the Plaintiff's claim as proved, the Court may give judgment for the Defendant for the balance found in his favour, unless said balance be above one hundred dollars, original debt, in which case the Judge may give judgment for the Defendant for one hundred dollars, original debt and interest thereon, or any less sum, and strike out and certify items or portions of items of the set-off, for all above the Plaintiff's claim as proved, and amount of judgment; And for such items or portions of items so struck out and certified, the Defendant shall have the same recourse against the Plaintiff, as if set-off had not been pleaded, and except as to such items or portions of items, the judgment of the Court in all cases where a set-off is pleaded, shall be a full discharge of the amount set-off." If defendant's claims equals or exceeds plaintiff's claims.

28. Section ninety-three of the Division Court Act is hereby repealed, and the following substituted therefor: Sec. 93 repealed.

1. "In case the defendant or defendants if more than one or any of them desire to avail himself or themselves of the benefit Defendant to give notice of

set off or other defence. of any plea, defence or objection to the plaintiff's claim, or any part thereof, the defendant or defendants or some one of them, shall, within six days after the service of the summons upon him, give notice thereof, in writing, to the clerk of the Division Court in which the action was brought, and in case of set-off, the particulars thereof must accompany the notice.

If copy of defendant's plea or defence not served on plaintiff. 2. "If the defendant has not caused a copy of his plea, defence or objection, (and if a set-off, containing the particulars of such set-off,) to be served on the plaintiff by some literate person, (and if a set off of a sum over eight dollars, such service must be personal on plaintiff) which services shall be proved by affidavit, the clerk on payment of his costs by the defendant shall forthwith issue a copy of the plea, defence or obligation, and in case of set-off containing the particulars of such set-off for service upon the plaintiff, and if such service has not been effected before the day appointed for the sitting of the court the Judge shall adjourn the cause.

If plaintiff does not reply to defendant's pleas, &c. 3. "If the plaintiff does not, within six days after the service of the set-off upon him, give notice to the clerk and the defendant of his plea, defence or objection against the set-off, in the manner provided for service of set-off, in sub-section two of this section, the clerk shall allow the defendant's set-off, and deduct the same from the plaintiff's claim, and execution may be issued any time after twenty days from service of summons on defendant for the balance only of the plaintiff's claim if it exceeds the set-off, and costs shall be recovered from the defendant as if the suit was brought for such balance originally; and if the set-off equal the claim the clerk shall enter satisfaction of claim, and the plaintiff and defendant shall each pay half the costs, and if the set-off exceeds the plaintiff's claim, the defendant, without any further notice to the plaintiff, may proceed to prove his set-off on the day appointed for the trial, and obtain judgment against the plaintiff for the balance thereof, not exceeding one hundred dollars original debt and interest thereon.

If defendant does not plead, plaintiff may enter judgment. 4. "In case any defendant, where there are more than one defendants, does not give notice of plea, defence or objection within the time required by this Act, the plaintiff may enter judgment against the defendant, or defendants neglecting to give notice, and may issue execution against them, without prejudice to his recovering from the defendant who gave notice in case the execution is returned unpaid."

Sec. 95 amended. **29.** Section ninety-five of the Division Court Act is hereby amended by adding after the word "dollars," the words, "and interest thereon."

Sec. 97 amended. **30.** Section ninety-seven of the said act is hereby amended by adding, after the word "clerk," in the first line, the words "or his deputy."

Sec. 101 amended. **31.** Section one hundred and one of the said act is hereby amended by striking out the words, "the proper officer," and inserting the word "Clerk," in lieu thereof.

Sec. 107 amended. **32.** Section one hundred and seven of the said act is hereby amended by striking out the word "fourteen," and inserting the word "seven," in lieu thereof.

33. Section one hundred and eight of the said act is hereby Sec. 108 amended by striking out the words, "Fifty days from service of summons," and inserting in lieu thereof the words, "Eight days from the day on which judgment was given." And by inserting after the words "to the same," the words, "but it shall be lawful for the Judge to give execution forthwith at the request of the plaintiff or his agent, if twenty days have elapsed between the service of the summons and the day on which judgment was given, the day of service not included;" and by inserting after the words, "to the satisfaction of the Judge," the words, "by personal appearance, or affidavit, or affirmation at the time of trial or," and inserting after the word "otherwise" the words "after the trial."

34. Section one hundred and seventeen of the Division Court Sec. 117 Act is hereby amended, by adding at the end thereof the words, amended. "and such confession shall act as a stay to the issue of execution until after the sittings of the court at which the defendant was summoned to appear, for the purpose of allowing the defendant an opportunity of applying to the Judge for the extension of the time for payment, as provided for in the one hundred and eighth section of this Act."

35. Section one hundred and nineteen of the Division Court Section 119 Act is hereby amended, by adding to the end thereof the words, amended. "and in all interpleader cases, the Judge or the judgment creditor, or the defendant, or the claimant, may order a jury to be called."

36. Sections one hundred and twenty, one hundred and Secs. 120, 121, twenty-one, one hundred and twenty-two, one hundred and 122, 123, 124, twenty-three, one hundred and twenty-four, one hundred and 125, 126, 127, twenty-five, one hundred and twenty-six, one hundred and 128 & 129 twenty-seven, one hundred and twenty-eight and one hundred repealed. and twenty-nine of the Division Court Act are hereby repealed, and the following substituted therefor:

1. "In case notice of defence be given in any action, wherein Parties to give a jury may, by this Act, be called, either party may require a notice to jury, and such party shall give notice thereof to the clerk, at clerk if they least four clear days before the sittings of the court at which require a jury. such jury shall be required, and shall then deposit with the clerk the proper fees for the expenses of such jury which shall be costs in the cause, and the clerk shall notify the opposite party of the jury having been called.

2. "The persons selected in each year by the first selection of Who may be jurors in each city, town, township, and village, as petit jurors jurors. for the inferior courts, shall be jurors for the Division Courts for the following year.

3. "The clerk of each city, town, township, and village shall, Clerk to be on or before the first day of November, in each year, transmit furnished to the Clerk of the Court for the division in which such city, with jury roll. town, township, or village is situated, a copy of the roll of petit jurors for the inferior courts, selected during that year for such city, town, township, or village.

4. "The clerk shall, from all the copies of rolls so transmitted Clerk to copy to him, copy the names and residence of such jurors into a names of jurors.

book or list, numbered consecutively from one upwards, and headed 'Jurors' List for the Division Court of the county of for the year 18 .

Clerk to give notice of drafting jurors.

5. "Not later than ten days before the sittings of the Court, the Clerk shall give notice by mail or otherwise, to the head, or some member of a Municipal Corporation, or to a Magistrate or Coroner, that he will, at his office, at noon, on a certain day, proceed to draft jurors for the said Court, and such person so notified or some one holding the same office, or any of the offices mentioned, in his stead shall without fail attend at the time and place mentioned, and assist at the drafting of such jurors; nevertheless, if the person so notified does not appear, nor any person in his stead, the Clerk shall at the given time and place proceed himself to draft the jurors, in the presence of any persons who choose to be present, and if no persons are present, then the Clerk shall draft the jurors alone; but if the last jurors drafted are not required at the Court for which they were drafted, they shall stand as drafted until they are required, or the year ends.

Balloting.

6. "The Clerk shall prepare a series of cards or slips numbered to correspond with the jury list, and shall deposit the same in a box or urn, and draft the requisite number by ballot, and the person named on the list whose number shall correspond with the number balloted shall be the juror selected.

How many jurors drafted.

7. "If only one jury be required for any Court, fifteen jurors shall be drafted, and if more than one are required, then twenty jurors shall be drafted.

Jurors to be summoned to attend Court.

8. "The Clerk shall cause the jurors selected to be summoned to attend the Session of the Court at the time and place to be mentioned in the Summons, and such Summons shall be served at least two clear days before the day mentioned in said Summons, either personally or by leaving the same with a grown up person at the residence of the Juror, and the same fees shall be allowed the Bailiff for such service and necessary travelling expenses to effect the same, as are allowed for serving subpoenas on witnesses.

Jurors to be paid 50ct. per day and mileage.

9. "Each juror attending Court in pursuance of such Summons, shall be allowed fifty cents for his attendance, and five cents per mile for the distance necessarily travelled by him, from his usual place of abode to the Court.

Parties entitled to challenge.

10. "Either of the parties to a cause shall be entitled to his lawful challenge against any of the Jurors in like manner as in other Courts.

Non-attending juror to be fined.

11. "Any Juryman who, after being duly summoned for that purpose, willfully neglects or refuses to attend the Court in obedience to the Summons, shall be liable to a fine in the discretion of the Judge, not exceeding four dollars, which fine shall be levied and collected with costs by the same process as any debt or judgment recovered in the said Court, and shall form part of the general fee fund.

Juror exempt from serving

12. "Service as a Juror in a Division Court shall exempt such Juror from further service as a Juror in the Division Court

during the same year, until all the jurors named in the jury list shall have been selected, but shall not exempt such juror from serving as a juror in any Court of Record or in the Court of Chancery, and no person shall be compelled to serve as a juror in a Division Court who is by law exempted from serving as a petit juror in the Superior Courts.

13. "If any clerk of a municipality, for six days after demand made in writing, neglects or refuses to furnish the clerk of the division in which the city, town, township or village for which he is clerk, is wholly or in part situate, with a correct copy of the roll referred to in section one hundred and twenty-one of this Act, the clerk may issue a summons, to be personally served on the said municipal clerk, three days at least before the sitting of the court, requiring him to appear at the then next sitting of the court to shew cause why he refused or neglected to comply with the provision of the said section.

Penalty on Clerk of Municipality neglecting to furnish jury list to Clerk of Division Court.

14. "Upon proof of the service of such summons the judge may in a summary manner, inquire into neglect or refusal, or may give further time, and may impose such fine upon the said clerk, not exceeding twenty dollars, as he deems just, and may also make such order for the payment by the clerk of the costs of the proceedings as to the said judge seems meet, and all orders made by the judge for the payment of a fine or costs shall be enforced against the clerk of the municipality by such means as are provided for enforcing judgments in the Division Court".

Division Court Judge may fine Clerk of Municipality for breach of duty.

37. Section one hundred and thirty-seven of the Division Court Act is hereby repealed, and the following substituted therefor:

Sec. 137 repealed.

"In case any person, against whom a judgment has been entered, resides in or removes to another county or division without satisfying the judgment, the clerk of the court in which judgment was entered may, at the request of the judgment creditor, issue an execution for the amount of debt, interest and costs including all the costs of the clerk of the Division Court to whom the same shall be sent, and forward the same to the clerk of the division in which the defendant lives, or to some other division in the county if the exact residence of the defendant is not known; and the clerk receiving the same shall seal the execution with the seal of his court, date and countersign it, and such execution shall be in force for thirty days from such date and no longer; and the said clerk shall hand the same to his bailiff for enforcement, and shall, within fourteen days after the return to him by the bailiff of the said execution, make a return to the clerk who sent the execution, of what has been done thereon, and if money shall have been made on such execution, he shall remit the same to the clerk who issued the execution without any special order, first deducting therefrom his fees, and any allowance for the transmission of money which may hereafter be given; and the responsibility of such clerk shall cease with regard to such money after the posting thereof in a letter addressed to the said clerk in such manner as may be proven, or after depositing the said money in the nearest money order office."

If defendant remove to another County, execution obtainable in such County.

Section 141 amended. **38.** Section one hundred and forty-one of the Division Court Act is hereby amended by adding to the end thereof the words :

Goods and chattels bound from delivery of writ to bailiff. "And the clerk shall endorse upon every Writ of *Fieri Facias* delivered to the bailiff, the exact time of the day and the day of the issue thereof, and every writ so endorsed shall bind the goods and chattels of the defendant liable to seizure from the time of the receipt thereof by the bailiff of such court as effectually as if such goods and chattels had been actually seized by the bailiff at the time."

Section 151 amended. **39.** Section one hundred and fifty-one of the Division Court Act is hereby amended by striking out the words, "the wearing apparel and bedding of such person or his family, and the tools and implements of his trade, to the value of twenty dollars, which shall, to that extent, be exempted from the seizure," and inserting therefor, "those which are by law exempt from seizure."

Section 177 amended. **40.** Section one hundred and seventy-seven of the Division Court Act is hereby amended by adding to the end thereof the following words:—

Landlord's claim for rent. 1. "Provided that in case the goods and chattels of the defendant, which are liable to seizure under execution for rent, do realize enough or more than enough to satisfy the execution, but not enough to satisfy the landlord's claim for rent, it shall be lawful for the bailiff to seize any goods and chattels of the defendant which the said bailiff could seize by virtue of a landlord's warrant, and forthwith to sell the same or a sufficient portion thereof to pay the landlord's claim; and in case all the goods and chattels sold under such second seizure do not realize enough to satisfy the landlord's claim, the proceeds of both sales shall be applied to satisfy the landlord's claim and the balance, if any, shall be applied in satisfying the execution.

Liability of bailiff limited. 2. "Neither the plaintiff nor the bailiff nor any one acting for or under him, shall be liable to the landlord for any greater sum as rent than the net amount realized by such sale after deducting cost, nor in any case for a greater sum than that claimed; and any landlord claiming rent under this Act must either allow the bailiff to sell for such rent or waive his claim, in which latter case the bailiff shall sell to satisfy execution only.

Landlord's bailiff. 3. "In all cases when a landlord claims for rent under this Act, the bailiff enforcing the warrant of execution shall be, to all intents and purposes, the landlord's bailiff."

Sec. 199 amended. **41.** Section one hundred and ninety-nine of the Division Court Act is hereby amended by inserting after the words, "service of process," these words, "or, 4th, publicly declares his intention of removing out of the county to some other place, or of removing his goods out of the county; or 5th, if he offers or advertises his goods for sale after having declared his intention of leaving the county;" and by inserting after the words "execution for debt," the words, "but where the debtor has absconded, or attempted to abscond, there shall be no exemption of goods from seizure or sale, except the necessary wearing apparel of the debtor's family."

42. Section two hundred and six of the Division Court Act is hereby amended by adding to the end thereof the following words: Sec. 206
amended.

1. "And all persons holding unsatisfied judgments against any debtor absconding, removing or concealed, or any debtor threatening to remove, or advertising his goods for the purposes of removal, shall be in the same position as persons taking out attachments within one month after the first attachment taken; and it shall not be necessary for the holding of such judgments to take out attachments, but they shall each give the clerk a minute of his claim within one month after the first attachment issued; and, Judgments
against
debtor ab-
sconding, &c.

2. "Persons who have commenced proceedings in the Division Court, but have not obtained judgment against such absconding debtor, must take out warrants of attachment to enable them to share in the distribution of the proceeds of the debtor's goods." When attach-
ments must
be taken out.

43. In case the plaintiff or defendant is desirous of having, at the trial thereof, the testimony of any aged or infirm person, resident within the Province of Ontario, or of any person who is about to withdraw therefrom, or who is residing without the limits thereof, the Judge of the County Court of the County in which the action is pending, may, upon the application of such plaintiff or defendant, issue one or more commission or commissions under the seal of the court in which the action is pending, to one or more commissioner or commissioners to take the examination of such person or persons respectively. If witness is
aged, infirm,
&c., commis-
sion may
issue

44. Due notice of every such commission, together with a copy of the questions, shall be given to the adverse party to the end that he may cause such witness or witnesses to be cross-examined. Notice to be
given.

45. In case the examination of any witness or witnesses taken without the limits of the Province of Ontario, pursuant to any such commission, be proved by an affidavit of the due taking of such examination, sworn before and certified by the Mayor or Chief Magistrate of the city or place where the same has been taken, or before a Judge of a Court of Record, or a Notary Public certified under his official seal; and in case such commission, with such examination and affidavit thereto annexed, be returned to the court from which such commission issued close under the hand and seal of one or more commissioners, the same shall *prima facie* be deemed to have been duly taken, executed and returned, and shall be received as evidence in the cause unless it is made to appear to the court in which such examination is returned or before which the same is offered in evidence that the same was not duly taken. Commission,
how proved
and returned.

46. The same costs shall be allowed for commissions issued under this Act, and proceedings connected therewith, as may be allowed from time to time for commissions issued in the County Court in this Province. Costs of
commission.

47. Hereafter it shall be no ground for granting a certificate for County Court or Superior Court costs in any suit within the jurisdiction of a Division Court that is not necessary to issue a commission in such suit. Certificate for
costs.

APPEAL.

Division
Court Act
further
amended.

48. The Division Court Act is hereby further amended, by adding thereto, after section two hundred and eighteen of the present Act, the following sections :

Appeal from
Judgments in
Division
Courts.

49. For the purposes of appeal from the decision of the Judge in any division court, the Province of Ontario shall be divided in circuits of three counties each, as the Governor in Council shall direct.

Who to con-
stitute Appeal
Court.

50. The Judges of the Counties composed in each Circuit shall constitute the Court of Appeal from any Division Court in the Circuit.

The Senior
Judge to pre-
side.

51. Such Judges shall take precedence according to the date of their commissions as County Court Judges, and the senior Judge shall preside.

Remedy if any
Judge absent.

52. If any Judge be unavoidably absent, his place may be supplied by any County Court Judge who may be invited to act for such absentee.

Clerks.

53. There shall be three clerks for each Court of Appeal, one for each county in the circuit, and the clerk of the Division Court of the County Town in each County shall be *ex-officio* the Clerk of the Court of Appeal for the County in which his Division is situated.

Time and
place of sit-
ting.

54. The court of appeal shall hold its sittings three times in each year, once in each county town in the circuit, commencing with the county of which the Senior Judge in the circuit is Judge, at such times of the year as the court shall appoint, and may adjourn from time to time, and meet again at the time mentioned at the adjournment ; and notice of the time and place of the sitting of each court shall be given at the close of every sitting of the Division Courts in the circuit, and shall also be hung in a conspicuous place in the Clerk's offices through the circuit.

Jurisdiction.

55. The court shall have jurisdiction, in all appeals from Division Courts in the circuit, and in nothing else.

May dismiss
Appeals.

56. The Court shall have power to dismiss an appeal, or to give the judgment or order which the Judge who is appealed from ought to have given, and may also award restitution and payment of costs.

Decision to
be final.

57. The decision of the Court of Appeal shall in all cases be final.

When appeal
to be filed and
how.

58. Any party to a suit desiring to appeal from the judgment or order of the Judge in a Division Court shall, within ten days after such judgment was rendered, enter his appeal with the Clerk of the Division Court, where the cause was tried, and deposit the sum of five dollars with the Clerk towards the expenses of such appeal.

Appellants to
give security

59. No appeal shall be allowed until the appellant has given good security, to the extent of eighty dollars, to the satisfaction

of the Clerk of the Court with whom he enters his appeal, that he will effectually prosecute his appeal and pay such costs and damages as shall be awarded against him, in case the judgment or order appealed from be confirmed. to prosecute appeal and pay costs.

60. If the judgment or order appealed from directs the payment of money, the execution of the judgment or order shall not be stayed until the appellant has given security to the satisfaction of the Clerk of the Court, with whom the appeal is entered, that if the judgment or order or any part thereof be affirmed, the appellant will pay the amount thereby directed to be paid or the part thereof, as to which the judgment may be affirmed, if it be affirmed only as to part, and all damages awarded against the appellant in the appeal. Appellants to give security for debt and costs.

61. Upon the perfecting of such securities, and not before the Clerk shall notify the respondent of the appeal being entered, and the notice shall embody or have annexed thereto a copy of the appellant's plea as entered, and the time and place at which the sittings of the Court of Appeal will be held, at which the said appeal will come up for hearing, and such notice shall be served in the manner provided for the service of summons. Notice to be given to respondent.

62. If the time elapsing between the entering of the appeal and the next sittings of the Court of Appeal, is not long enough to allow of twelve clear days' service on the respondent, the time and place mentioned in the notice to the respondent, shall be the time and place appointed for the second sitting of the Court of Appeal after the appeal was entered. When to be heard.

63. The appellant, in his appeal, headed in the court and cause, shall set forth his grounds of appeal, and shall not be allowed to plead any other ground of appeal, at the hearing thereof, than those mentioned in his appeal as entered with the Clerk of the Division Court, in the first instance. Grounds of appeal to be set for h.

64. Upon the perfecting of the afore-mentioned securities, the appellant shall obtain from the Clerk a *fiat* to the bailiff to whom any execution has been issued, and the execution shall be thereby, on delivery of said *fiat* to the Bailiff, but not before, stayed whether a levy has been made under it or not. Execution to be stayed when

65. If, at the time of the receipt by the bailiff of the *fiat* or of a copy thereof, the money has been made or received by him, but not paid over to the Clerk of the Division Court from which the execution issued, the appellant may demand the same back from the bailiff, and, in default of payment by the bailiff, of the said money to the Clerk of the Division Court, the appellant may recover the same from him in an action for money had and received. Money received on Execution remaining in Bailiffs hands, may be reclaimed by the appellant.

66. If, at any time between the perfecting of the before-mentioned securities, and the rendering of the judgment of the Court of Appeal, or other termination of the proceedings, any money made on execution against the goods of the appellant is paid into Court, the appellant may demand back the same from the Clerk, and in default of payment by the Clerk of such demand, the appellant may recover the same from him in an action for money had and received. Money paid into Court may be reclaimed by the appellant

67. The death of the appellant, after the security has been perfected and allowed, shall not cause the appeal to abate, nor shall the death of the respondent—nor the marriage of a woman appellant or respondent cause the appeal to abate.

Papers how
disposed of.

68. The Clerk of the Court with whom the appeal was entered, shall, six days after return to him of notice of appeal duly served on the respondent, and the bailiff's affidavit proving such service, send all the papers connected with the suit from the beginning, and the money deposited with him by the appellant, less his own and the bailiff's fees, to the Clerk of the Court of Appeal for the County, who shall file the said papers.

Duties of Cl^k
of Court of
Appeal.

69. The Clerk of the Court of Appeal shall, in a book to be given to him for that purpose to be paid for out of the revenues of the Province, enter all the particulars of the cause, the Court, and style of suit, the name and residence of the appellant and respondent, the amount of judgment and costs, the date of judgment, the date of appeal, the date of service of notice of appeal, and the date on which the papers were received by him.

Clerk of Court
of Appeal to
notify the
Judge appeal-
ed from.

70. The Clerk of the Court of Appeal shall, forthwith, notify the Judge appealed from of the appeal and the grounds thereof; and the Judge, at all reasonable times, shall have access to the said papers, which papers, and the Judges notes of the evidence taken at the trial shall be laid before the Court of Appeal at the hearing of the appeal.

Appellant
may discon-
tinue proceed-
ings.

71. An appellant may discontinue his proceedings by giving to the respondent, a notice headed in the Court and cause, and signed by the appellant or his attorney stating that he discontinues such proceedings; and thereupon the respondent shall be entitled to the costs of and occasioned by the proceedings in appeal, and may order Execution to issue for the said costs forthwith.

Respondent
may consent
to reversal of
judgment, &c

72. A respondent may consent to a reversal of judgment or order, by giving to the Clerk of the Court of Appeal a notice headed in the Court and suit, signed by the respondent or his Attorney, stating that he consents to a reversal of judgment, and in case the Plaintiff elects to be non-suited the respondent may in the same way give notice that he elect to take a non-suit, and the Court shall give judgment accordingly.

Clerk of Ap.
peal Court to
certif judgment,
&c.

73. The Clerk of the Court of Appeal shall certify to the Clerk of the Division Court, where the appeal was entered, the judgments or order of the Court of Appeal in the cause, together with a statement of the costs of the appeal, and the Clerk of the Division Court shall make minutes of the same in his Procedure Book, and the orders and judgments of the Court of Appeal shall be enforced in the same manner as if they were orders or judgments of the Division Court where the appeal was entered.

Seal.

74. There need not be any separate seal provided for the several Courts of Appeal appointed under this Act: but, where a seal is required, the seal of the Division Court, the Clerk of which is Clerk of the Court of Appeal shall be used, and across or around the impression made by such seal the Clerk shall write in full or in abbreviation the words, "And Court of Appeal."

75. The Governor, may from time to time appoint, and authorize three of the Judges of the Superior Courts of this Province, of whom the Chief Justice of the Queen's Bench or the Chief Justice of the Court of Common Pleas shall be one, to frame general rules and forms for the practice and proceedings of the said Courts of Appeal and the execution of the process of such courts, with power also to frame rules and orders in relation to the provisions of this act or of any future act respecting such courts as to which doubts may arise, or as to which there may be conflicting decisions in any of such courts, and also to draw up a Tariff of such fees for the Fee Fund and the officers of such courts, as they shall think proper. Judges of Superior Courts to frame rules, &c.

76. The rules and forms and tariff of fees, so made, shall have Effect of such the same force and effect as if they had been made and included in this Act. rules, &c.

77. The Judges who frame the rules and forms as aforesaid shall forward copies thereof to the Governor, who shall lay the same before the House of Assembly. Rules to be sent to the Governor.

78. The Governor may, by warrant, direct the Treasurer to pay out of the revenues of the Province the contingent expenses connected with the framing and printing of such rules. Expenses of such rules.

79. Except a Barrister, Solicitor, Attorney-at-Law, or an Articled Clerk of three years standing, no person shall be allowed to plead for another, in any Division Court or Circuit Court of Appeal in this Province, unless he is properly licensed so to do, but any party to a suit may plead his own cause. Who only allowed to plead.

80. Any person desiring permission to plead in the Division Courts shall pay to any Clerk of a Circuit Court of Appeal in the Province the sum of dollars, and the license given to him therefor by the Clerk shall on being produced if demanded, entitle the person named therein and no other to plead in any Division Court, or Circuit Court of Appeal in the Province for one year from the date thereof, and no longer. Persons licensed to plead.

81. The Clerk of the Circuit Court of Appeal, on receipt of dollars, shall give to the applicant a license, Form of license. having first affixed thereto Fee Fund stamps to the amount of dollars, and obliterated the same, the balance the Clerk shall retain for his fee; and the form of the said license shall be as follows, or to the like effect:

“County of day of 18
L. S. of the of
 is hereby licensed to plead in any Division Court or Circuit Court of Appeal in the Province of Ontario.
 Clerk of Circuit Court of Appeal.”

82. Any person presuming to plead in any Division Court without being so licensed shall be fined for every offence dollars. Fine for pleading without license.

83. In any suit where the amount claimed is twenty dollars or over, or in cases of tort, ten dollars or over, the Judge may, In certain cases Judge

may allow a counsel fee. if he is satisfied that the aid of an Attorney or Agent was really necessary, allow a counsel fee of not less than nor, more than dollars, which shall be costs in the cause.

27 and 28 V., ss. 29 and 30 repealed. **84.** Sections twenty-nine and thirty of the act respecting Stamps on Law Proceedings as far as regards Division Court officers are hereby repealed, and the following provisions with regard to duties of Division Court officers and County Court Judges in regard to such stamps, shall be incorporated with the Division Court Act:

Clerk to affix proper stamps. **85.** Every Division Court Clerk, who shall not affix to every summons and to every confession of debt or other paper which may hereafter require to be stamped before the day on which the same are returnable, the proper stamps by law appointed and obliterate the same, shall be subject to a fine not exceeding ten times the amount of the stamp which should have been affixed; and it shall be the duty of the Judge to see that every summons is properly stamped and obliterated, and if it is not, to impose such fine.

To present summonses, &c., to judge for inspection. **86.** And the clerk shall, before the next sittings of the court, affix to every summons the proper stamps for hearings, judgments or orders, had, given or made, and obliterate the same, and shall present the same on the court day, and before the court closes, to the Judge who shall inspect them; and for every omission of affixing the proper amount required for the Fee Fund, whether done by one stamp or more, or of defacing the same, the Judge shall inflict a fine not exceeding ten times the amount of the stamps not affixed or not defaced.

To make minute of fines, and obliterate stamps in Judge's presence. **87.** The Clerk shall, in presence of the Judge, make a minute of all such fines in his Procedure Book, and shall, within fourteen days after, or such other time after, not exceeding the next Court day as the Judge may direct, present to the Judge his said Procedure Book, with Fee Fund stamps, to the amount of such fine or fines affixed to the page on which said minute was entered, and shall obliterate the same in the Judge's presence, who shall certify to the fact by signing his name on the said page, and the said page shall be shown to all persons desiring to see the same at any reasonable time during the ensuing three months.

Liability of Clerk in default of duty. **88.** And if the Clerk do not present the said Summonses and papers to the Judge as required by the eighty-sixth Section of this Act, he shall be liable to a fine not exceeding Five Dollars; and if, after a reasonable time for sending for and bringing said Summonses and papers from the Clerk's office to the place of holding the Court has elapsed, the Clerk does not produce the said Summonses and papers, or satisfactory proof to the Judge of the defacing of the requisite stamps, or some sound reason why he cannot produce the same, he shall be committed to the Common Goal of the County for three months, and afterwards imprisoned until he pay a fine of five times the amount of the stamps which should have been affixed, whether said stamps were affixed or not.

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 57TH STREET
CHICAGO, ILL. 60637

BILL

To amend the Act respecting Division
Courts.

First Reading, February 4, 1868.

MR. COYNE.

TORONTO

PRINTED BY SAMUEL BEATTY

An Act respecting The London Collegiate Institute,
and to change its name to "Hellmuth College."

WHEREAS the Very Reverend Isaac Hellmuth, Dean of the Diocese of Huron, Doctor of Divinity; the Very Rev. Henry James Grassett, Dean of the Diocese of Toronto, Bachelor of Divinity; the Rev. Edward Baldwin, of the city of Toronto, Master of Arts; the Rev. William Wickes, of the city of London, Doctor of Divinity; the Honorable David Lewis McPherson, of the city of Toronto, a Senator of the Dominion of Canada; the Rev. Arthur Sweatman, of the city of London, Master of Arts; Adam Crooks, Esquire, of the city of Toronto, Doctor of Laws; F. Wolferstan Thomas, of the city of London, Esq., and Major Richard John Evans, of the same place, lately of Her Majesty's 16th Regiment of Foot, have, by their Petition, represented that by an Act of the Legislature of the Province of Canada, passed in the 29th year of Her Majesty's Reign, the School established at the city of London, by the said Isaac Hellmuth, was incorporated under the title of "The London Collegiate Institute." That the said Petitioners were the Trustees thereof, under the provisions of the said Act, and that by the constitution of the said "The London Collegiate Institute," the Proprietorship and capital thereof is divided into Shares of One Hundred Dollars each. That the said School had been in successful operation for more than two years. That the said Isaac Hellmuth was originally the Sole Proprietor of the said Collegiate Institute, but that several of the said Petitioners had since acquired Shares therein. That it was the wish of the said Petitioners that the said title of the said Institute should be changed into that of "Hellmuth College," and that it may be declared that any Proprietor or Holder of any Shares in the Capital thereof, should be free from any personal liability in respect of the debts, engagements, or obligations of the said Institution, and prayed that an Act of the Legislature should be passed accordingly.

Title.
London Collegiate Institute.

Shares.

Original proprietor.

Proposed change of title.

And whereas it is expedient to grant the prayer of the said petitioners.

Therefore Her Majesty by and with the advice and consent of the Legislature of the Province of Ontario enacts as follows:

1. The Title of the said hereinbefore mentioned Institution is hereby changed into that of "Hellmuth College," and by such title the same shall be henceforth known taken and acknowledged.

Title changed to Hellmuth College.

2. Any proprietor or holder of any share in the Capital of the said Institution, is hereby declared to be free from any individual or personal liability beyond the unpaid amount of any share or shares held by him, in respect of the debts, engagements or obligations of the said Institution: Provided always that nothing herein contained shall be construed in anywise to impair, lessen or affect any such liability in respect of the present (if any), existing Debts, engagements or obligations of the said Institution.

Shareholders exempt from liability.

3. This Act shall be deemed a Public Act.

Public Act.

[No. 88] 1888

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL

An Act respecting the London Collegeiate Institute.

PRIVATE BILL.

HON. MR. CARLING.

TORONTO:

PRINTED BY SAMUEL BEATTY.

2
3

No 89.]

BILL.

26
28

[1868

An Act respecting the grant of certain land in the Town of Woodstock to certain Trustees, for the purpose of a burial-ground for the members of the Presbyterian Church in the Town of Woodstock and its vicinity, to change the Trustees thereof, and to provide for the appointment of their successors.

WHEREAS, by Letters Patent, dated the eighth day of January, in the year of Our Lord one thousand eight hundred and forty-nine, certain parcels of land therein, described as being Park Lot Number Four, in the Fourth Range, or north of Vincent Street, in the Town of Woodstock, were granted to John Douglas, George Stranchon, James Hughes, Robert Robertson, William Wilson, John Allan and James Kintrea, in trust for a burial ground for the members of the Presbyterian Congregations of the Town of Woodstock and vicinity, and their successors in office forever. ^{Letters Patent to Trustees.} ^{In trust for a burial ground}

And, whereas, the said John Allan is now deceased, and the said Robert Robertson has removed from the Dominion of Canada and gone to the United States of America, there to reside permanently; ^{Trustees absent.}

And, whereas, no provision is made in the said Letters Patent for the appointment of successors in office to the Trustees therein named;

And, whereas, the said John Douglas, George Stranchon, James Hughes, William Wilson and James Kintrea, have, by their petition, dated the thirty-first day of December, in the year of Our Lord one thousand eight hundred and sixty-seven, prayed that an Act might be passed to appoint new Trustees, to regulate the appointment of their successors and for other purposes; and it is expedient to grant the prayer of such petition; therefore, ^{Petition.}

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. That the successors in office of the Trustees aforesaid shall be appointed in the following manner, that is to say: The said John Douglas, George Stranchon, James Hughes, William Wilson and James Kintrea, being the only surviving members of the original body of Trustees appointed by the said Letters Patent, now in connection with the Presbyterian Congregations of Woodstock and its vicinity, shall be, and are hereby, declared to be the Trustees to hold the said lands for the purposes mentioned in the said Letters Patent, until the first day of February, in the year of Our Lord 1869, or until their successors are appointed as hereinafter mentioned, and that their successors shall be appointed to hold office for one year from the first day of February in each and every year thereafter, or until their successors are appointed, as follows: ^{Trustees succession.}

- Election.** 2. The trustees of each congregation of the Presbyterian Church, in the town of Woodstock, or its immediate vicinity of each denomination thereof, at present known or recognized as a part or branch of the said Church, shall from amongst themselves elect two of their number to be trustees of the said burial ground in place of the retiring trustees thereof, at a meeting of them the said trustees of each of the said congregations, to be holden on the third Tuesday of January, in each and every year, provided that the retiring trustees of the said burial ground shall always be eligible for re-election.
- Book of proceedings.** 3. It shall be the duty of the secretary of such meeting of the trustees of each of said congregations to record in a book to be kept for that purpose, which book shall be the property of the Trustees for the time being, all the proceedings of such meetings, in so far as the same relate to the appointment of trustees of the said burial ground, and the same may be inspected by any member of the said congregations at all reasonable times.
- Vacancies, how filled up.** 4. In case of the death, removal, or refusal to act of any person appointed to act as a trustee under this act, the vacancy may be filled by the election of another person as such trustee, by the trustees of the congregation who elected such person, who has died, removed, or refused to act at a special meeting to be called for that purpose, by notice from the pulpit of the congregation to which such trustees belong, to be given immediately after the conclusion of divine service on the Sunday morning previous to the day on which such meeting is to be held.
- Trustees and their successors to hold lands patented.** 5. The present trustees, except the said Robert Robertson, who is hereby removed from such trusteeship, and their successors in office, in whom the said lands shall be vested, and immediately upon their appointment to and acceptance of the office, shall, by the name of "The Trustees of the Presbyterian Burial Ground in the town of Woodstock," hold, occupy and enjoy the lands granted by the said letters patent for the uses and purposes therein mentioned, and by that name may bring or defend any action or suit at law or in equity against any person or persons, or body corporate, in respect of any matter or thing relating to the said lands or premises, or the fees for burial therein.
- Exempt from taxes.** 6. The said lands shall be exempt from taxation of every kind.
- Power to purchase other lands.** 7. The said trustees shall have power to purchase other lands not exceeding twenty-five acres, to be used for the same purposes as the lands hereinbefore mentioned.
- To make By-laws.** 8. The said trustees shall have power from time to time to make such by-laws as may be necessary and reasonable for the preservation and improvement of, and the repairing and general management of the said burial ground, and such other lands as may be acquired by the trustees for that purposes, and all erections and enclosures thereon.
- To grant burial sites.** 9. The said Trustees shall have power to grant to any person or persons the exclusive right to use any particular portion of the said lands as a burial place, and to charge such fees there-

for as they shall reasonably appoint, but in case of the death of any member of such Presbyterian Churches, who has not left sufficient property to pay for a place of burial, the said trustees shall appoint a place where he or she may be buried in said lands without any charge or fee therefor.

10. All such fees as shall be collected by virtue of the foregoing provision, shall be used in the maintenance, improvement and repairing of the said burial ground, or the erections and enclosures thereon, or in the purchase and improvement of more land to be used for the same purposes as the said burial ground. Appropriation of fees.

11. At the first meeting of the said Trustees they shall elect a Chairman and a Secretary-Treasurer for the current year, and all future meetings during the year shall be called by such Chairman, giving one day's notice, in writing, to each of the Trustees of the time and place of such meeting unless at the previous meeting the time and place of such meeting shall have been fixed by the Trustees, or by notice from the pulpit of each of said congregation on the Sunday previous to such meeting. Election of Chairman and Secretary-Treasurer.

12. A majority of the said Trustees shall be a quorum for the transaction of business, and in case the regular chairman is not present at any meeting, the trustees who are present shall elect a chairman to preside at that meeting. Quorum.

13. The Chairman shall not vote at any meeting except in the case of an equality of votes, in which case he shall give the casting vote. Casting Vote.

14. The Secretary-Treasurer shall enter in a book, to be kept for that purpose, which shall be the property of the trustees for the time being, full minutes of all proceedings had or taken by the said trustees, and full accounts of all receipts and disbursements received and made by them. Book of proceedings.

15. This Act shall be deemed a public act.

Public Act.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act relating to the Presbyterian
Burial-Ground of the Town of
Woodstock.

PRIVATE BILL.

1st Reading, January , 1868
2nd Reading, January , 1868.

Mr. PERRY.

TORONTO:

PRINTED BY SAMUEL BEATTY.

No. 90.]

BILL.

[1868.

An Act to incorporate the Island of Point au Pelée, in Lake Erie, as a separate Municipality of the County of Essex.

WHEREAS the inhabitants of the Island of Point au Pelée, Preamble; in Lake Erie, have, by their petition, prayed to be set off as a separate Municipality.

And whereas it is the wish of the corporation of the County of Essex, expressed by the petition of the Municipal Council thereof, that the said Island should be incorporated by itself. And it is expedient to grant the prayer of the said petitions.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. From and after the passing of this Act, the inhabitants of the Island of Point au Pelée, in Lake Erie, shall be a body corporate, apart from the Township of Mersea, by the name of the Corporation of the Township of Pelée, and shall have all such powers, privileges and liabilities as are now, or shall be hereafter conferred or imposed on incorporated Townships in the Province of Ontario, with the exceptions hereinafter made.

1. The Municipal Council of the said Township shall consist of a Reeve and two Councillors, who shall be elected annually.

Reeve and
two Council-
lors:

2. The 26th Section of the Act respecting the Municipal Institutions of Upper Canada, is hereby made to apply to the Township of Pelée : save, that by the withdrawal of the said Township from the jurisdiction of the County, the office of Reeve shall not thereby cease, but the said Reeve shall not have a seat in the County Council.

26th Sec. of
Municipal Act
to apply.
Exception.

2. For holding the first Municipal Election in and for the Township of Pelée, under this Act, the Township Clerk of the Township of Mersea shall be Returning Officer. And the said Returning Officer shall appoint the time and place for holding the first Election, within one month after the passing of this Act, of which appointment the said Returning Officer shall give notice, by notices posted in at least three conspicuous places in the said Township, ten days before the said Election.

Returning
Officer first
Election.

First election.

3. The duties of the said Returning Officer shall be as prescribed by law with respect to townships in the Province of Ontario.

Duties of Re-
turning Offi-
cer.

4. The qualifications of the voters and the persons elected as councillors at such first election, shall be that they are male freeholders or male resident householders on the said island, of the full age of twenty-one years, and subjects of Her Majesty.

Qualification
of Voters and
Councillors.

5. The first meeting of the Municipal Council of the township of Pelée shall be held at such place, in the said township, as the Council shall determine.

First meeting
of the Coun-
cil.

as the said Returning Officer shall appoint, at the hour of twelve o'clock noon, on the second Monday next after such first election. And the said Returning Officer shall preside at such first meeting.

Election of
Reeve and
Councillors.

6. Elections for Reeve and Councillors for the said township of Pelée, after the year one thousand eight hundred and sixty-eight, shall be held in conformity with the provisions of law applying to incorporated townships of the Province of Ontario.

Assessment
Roll for 1868.

7. For the year 1868 the Assessor of the township of Pelée shall not be required to complete his roll before the fifteenth day of May.

Repealing
clause.

8. All Acts and parts of acts and provisions of law or of parliament, and all by-laws, rules and regulations of any township or County Council in the Province of Ontario, in force in the said Province, immediately before the time when this Act shall come into force, in so far as the same may be inconsistent with or contradictory to the provisions of this Act, shall be and are hereby repealed, and shall cease to be in force, so far as respects the said township of Pelée, from and after the day when this Act shall come in force.

Public Act.

9. This Act shall be deemed a public act.

BILL.

An Act to incorporate the Island of
Point au Pelée as a separate Muni-
cipality of the County of Essex.

PRIVATE BILL.

First Reading, February 5, 1868.

MR. WIGLE.

TORONTO:

PRINTED BY SAMUEL BEATTY.

2
3

No. 91.]

BILL

29
2 Mar
[1868.]

An Act to Incorporate the Gananoque Water Power Company

Preamble.

WHEREAS, Thomas Brown Anderson, of the City of Montreal, in the Province of Quebec, Philip Low, of the Town of Picton, in the County of Prince Edward, and Province of Ontario, and William Stone Macdonald, of the Village of Gananoque, in the County of Leeds, and Province of Ontario, Esquires, have, by Petition, represented that they are the owners of divers premises, comprising a part of the River Gananoque, in the First Concession, and the Broken Front of the First Concession of the Township of Leeds, in the County of Leeds, and Province of Ontario, and of extensive water powers and privileges there situate, and formed by means of two dams called the Upper Dam and the Lower Dam, and that the development and proper working of the same would be of great public advantage, and would be much facilitated by the incorporation of the Company by this Act incorporated, and have prayed for the passage of this Act; and whereas it is expedient to grant the prayer of the said Petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows;

1. The said Thomas Brown Anderson, Philip Low, and William Stone Macdonald, and all such persons as hereinafter shall become stockholders in the Company by this Act incorporated, shall be, and they are hereby constituted, ordained, and declared to be a body corporate and politic, by the name of "The Gananoque Water Power Company," with power and authority to make and ordain such by-laws, rules, orders and regulations, not being contrary to this act or to the laws of this Province, as shall be deemed useful or necessary for the interests of the said Corporation, and the management of its affairs and business, and from time to time to alter and change the said by-laws, rules, orders, and regulations, or any of them.

2. The said Company, by the name and style aforesaid, do and shall have, hold, possess and enjoy the various premises in the Schedule marked A, to this Act set forth and described, which are hereby vested in the said Company absolutely, and the said Company shall perform all the obligations, and pay all the charges to which the said premises or any part thereof, may be subject.

3. It shall be lawful for the said Company, by the name and style aforesaid, to acquire and take by purchase or otherwise, as may be agreed upon, and to have, hold, possess, and enjoy all such real estate, water powers, privileges and hereditaments, as shall at any time be necessary or convenient for the maintenance, improvement, or development of the water powers

and privileges mentioned or referred to in this Act, or the Schedule referred to.

Business of
the Company
defined.

4. The business of the said Company shall be the management, maintenance, and development, of the premises, water powers, and privileges mentioned or referred to in this Act, or the Schedule thereto.

Water power
of Company
divided into
1,000 stock
shares.
How shares
vested.

5. The water power of that part of the Gananoque River vested in the said Company is divided into one thousand shares each of which shares is a share of stock in the said Company, and all of which shares now belong to and are vested in the said Thomas Brown Anderson, Philip Low, and William Stone Macdonald, jointly.

Classification
of shares A, B,
C.

6. Of these shares there are three classes, called respectively A, B, and C. Class A consists of shares used upon the Upper Dam, at the full head and fall of both dams; class B consists of shares used at the Upper Dam, at the head and fall between that dam and the Lower Dam; class C consists of shares used at the Lower Dam, at the head and fall of that dam.

Apportion-
ment of
shares to
class A.

7. The said Thomas Brown Anderson, Philip Low, and William Stone Macdonald shall apportion to class A a number of shares not exceeding two hundred and fifty; the aggregate number of shares in classes B and C shall be the balance after deducting from the whole one thousand shares the number apportioned to class A, and this balance shall be divided between classes B and C, in the proportion of one-fourth thereof in number to class B, and three-fourths thereof in number to class C.

Class A.
Holders
under

8. The owner of each share in class A shall be entitled, in respect of such share, to one-thousandth part of all the water flowing in the River at the Upper Dam, not applicable to public uses.

Class B.
Water at the
upper dam,
how appor-
tioned.

9. The water at the Upper Dam, after deducting that at the time apportioned to class A, and not actually in use, shall be applicable to class B, and shall be returned into the pond above the Lower Dam, and shall be equally divided between the several shares in that class, so that the owner of each share in that class shall be entitled, in respect of such share, to a part of the said remainder, bearing the same proportion to the whole of the said remainder that one bears to the whole number of shares in that class.

Class C.
Water from
the upper to
lower dam,
how appor-
tioned.

10. The water from time to time flowing from the Upper Dam to the Lower Dam, after deducting that apportioned to class A, and not actually in use, shall be applicable to class C, and shall be divided equally between the several shares of that class, so that the owner of each share in that class shall be entitled, in respect of such share, to a part of the said remainder, bearing the same proportion to the whole of the said remainder that one bears to the total number of shares in that class.

Scheme ex-
emplified.

11. In order to exemplify this scheme:—Supposing the whole volume of water in the stream, not applicable to public uses, to be twenty thousand cubic feet flowing in each minute of time, and that two hundred shares of the water power are used in class A, there will remain eight hundred shares, of which one-

quarter, or two hundred shares, will appertain to class B; and three-quarters, or six hundred shares, to class C; and the quantity of water which a share in each class will be entitled to use, will be as follows:—Class A, one-thousandth part of the whole volume of water, $\frac{20,000}{1,000}$ equal to twenty cubic feet per minute. Class B, a two-hundredth part of the volume of water remaining at the Upper Dam, after deducting that used in class A, $\frac{20,000(20 \times 200)}{200}$ equal to eighty cubic feet per minute. Class C, a six-hundredth part of the volume of water flowing from the Upper to the Lower Dam, $\frac{20,000 - (20 \times 200)}{600}$ equal to 26.9 cubic feet per minute.

12. The water above the Upper Dam is to be kept as nearly as possible up to a level of a certain mark on a certain rock, now owned by said Macdonald, and situated on the west side of the said premises, near the present oat mill, which mark is fixed and ascertained by an iron bolt which has been inserted in the said rock, within and surrounded by the lines of a triangular mark cut in the face of the said rock, in the following form, thus, \triangle ; the said bolt and mark being that referred to in a certain indenture of grants and concessions made concerning the said premises, between _____ of the one part, and _____ of the other part, and bearing date on the _____ day of _____, in the year of our Lord one thousand eight hundred and _____

The water above the upper dam to be kept up to a certain level.

13. The water above the Lower Dam shall be kept as nearly as possible to the level of a rock near the blacksmiths shop of one George Stunden, at the north-west corner of the bridge across the Gananoque River, on the east side of the said premises, in which rock an iron bolt has also been inserted, the said bolt being likewise surrounded by a triangular mark cut in the face of the rock, in the following form, thus, \triangle the difference between the levels of the water on the Upper Dam and of that at the Lower Dam being, as nearly as may be, seven feet.

Level of the water above the lower dam.

14. The stock of the said Company shall be deemed real estate, and shall be assignable in such a manner and subject to such conditions and restrictions as this act and the by-laws prescribe.

Stock to be deemed real estate.

15. The proprietor of each share of the stock is and shall be entitled, in respect to such share, to the use of the water of which such share consists, subject to the conditions, restrictions, regulations and charges hereby and by any by-laws from time to time prescribed; and in order to compute and apportion the quantity of water of which each share, shall, during the season of low water, be deemed to consist, it shall be the duty of the Directors between 1st August and 1st October, 1868, to have an estimate made by a competent engineer of the flow of water in the said river, and to have like estimates made in any future years, if from the decrease of water in the said river, or from any other cause, it shall appear to the Company or to the Directors proper so to do, and such estimates shall form the basis of such computation and apportionment.

Shareholders entitled to certain water privileges.

16. Such water shall be taken only from such place as the said Company shall designate, and in such manner as the Company shall approve; and all expenses for construction, enlargement, extension and maintenance of flumes, head-gates, dams, construction.

Water, where to be taken from: Expenses of construction.

of flumes, runways, or other works required for the taking or application of such water, shall be borne and paid by such Company.

Shareholders to pay apportionment of expenses under any By-law, &c. **17.** The proprietor of each share, in addition to the repair of the works referred to in the sixteenth section of this act, shall pay, in respect of such share, an equal proportion of all expenses incurred by the Company, under the authority of any by-law of the Company, for the purposes of the Company, or for the regulation and supervision of the use of the water, and for the repair, erection, and supervision of dams, runways, flumes, and other works or appurtenances which now are or may hereafter become necessary or convenient for the use and maintenance of any part of the water power, and any expenditure in connection with the Marble Rock Dam and ~~any expenditure~~ in the schedule ~~of works~~, and any expenditure which the Company may under the authority of this act incur.

Exemption in case of non-user. **18.** Provided always, that no proprietor, who, for a period of one year or more continuously shall not have used or availed himself in any wise of his share or shares, shall be liable during such period of non-user, to pay his proportion of the expenditure incurred during such period of non-user, until the resumption of user: but the proprietor at the time of such resumption shall become and be liable to, and may be sued for, and the share shall remain chargeable with the payment of such proportion of the expenditure so incurred.

When exemption shall not apply to parties named. **19.** Provided further that the exemption from liability, by the eighteenth section of this act created, shall not apply to the said Thomas Brown Anderson, Philip Low, and William Stone Macdonald, so long as they shall jointly hold more than three hundred shares, or to any two of them so long as such two shall jointly hold more than two hundred shares, or to any one of them who shall hold more than one hundred shares, so long as he shall hold more than one hundred shares.

Number of votes. **20.** At all meetings of the Company each proprietor, or each set of joint proprietors of a share or shares, in respect of which he or they is or are at the time of voting liable at once to pay his or their proportion of the expenditure of the Company then incurred or contemplated, and who is or are not in default in respect of any such payment, shall be entitled to one vote in respect of each such share, and all votes may be given in person or by proxy, provided always that the proxy is held by a proprietor or joint-proprietor entitled to vote at the meeting.

Share not assignable while proprietor in default. **21.** No share, in respect of which the proprietor is in default to the Company, shall be assignable during the continuance of such default, and in case of default, the Company shall have the power, during the continuance of such default, to cut off the water of which such share consists, and the proprietor shall not be entitled to the use thereof.

Board of Directors. **22.** The affairs of the Company shall be administered by a Board of not less than three or more than five Directors, being severally holders of not less than twenty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the Company, to hold office until their successors are elected, and who, if otherwise qualified, may always be re-elected; and a majority of the members of the

Board of Directors, present in person or by proxy, shall be a quorum thereof. Failure to elect directors shall not dissolve the Corporation, and an election may be had at any General Meeting of the Company to be called for the purpose.

23. The Board of Directors shall have full power in all things ^{Their powers.} to administer the affairs of the Company, and to make or cause to be made any purchase and any description of contract, which the company may by law make; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or the ~~best interests of the~~ Company) regulating and providing for all the affairs of the Company, ~~and the appointment, functions,~~ duties, and removal of all agents, officers, and servants of the Company; the time and place for holding the meetings of the Company; the calling of meetings of the Company and the Board; the requirements as to proxies; the procedure at meetings; the site of the place of business; and the conduct in all particulars of all the affairs of the Company; as fully and effectually as if such by-laws were passed by the Company; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall be reported to the next annual meeting of the Company, and may be disallowed by that or any other general meeting of the Company; and any copy of any by-law under the seal of the Company, and purporting to be signed by any officer thereof shall be *prima facie* evidence of such by-law. ^{Copy of by-law to be *prima facie* evidence.}

24. Until the first election of such Board, the said Thomas Brown Anderson, Philip Low, and William Stone Macdonald shall be the Board of Directors of the Company. ^{Provincial Directors.}

25. The Company shall not be bound to see to the execution of any trust, express, implied or constructive, in respect of any shares. ^{Non-liability as to trusts.}

26. The Shareholders of the Company shall not, as such, be held responsible for any act, default, or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the Company. ^{Non-liability of shareholders.}

27. All contracts, promissory notes, bills of exchange, or engagements made on behalf of the Company by the Directors, officers, agents, or servants of the Company, in accordance with their powers under the by-laws, or by vote of the Company, shall be binding on the Company, and in no case need the seal of the Company be affixed thereto, nor shall such Directors, officers, agents, or servants become individually liable to any party therefor; but the Company shall issue no bank note or note to circulate as money. ^{Contracts and notes, &c., of Directors and others, to bind Company on certain conditions.}

28. This act shall be deemed a public act.

Public Act.

SCHEDULE A.

All that parcel or tract of land and premises comprising the bed of the River Gananoque, and situated in the first concession, and Broken Front of the first concession of the Township of Leeds, in the County of Leeds, and Province of Ontario, with the appurtenances as described in the patent from the Crown of the West half thereof to one Joel Stone, and of the East half thereof to one Sir John Johnston, and subject to the reservations contained in the said patent; and which premises comprise and are in fact comprised certain valuable water-power in the lands adjacent thereto and necessary for the user thereof, which powers and privileges have been and are rendered available for manufacturing purposes by means of two Dams upon the said premises, across the said River Gananoque; one of which, being the one further from the outlet of said River, is known as the Upper Dam, and the other of which is known as the Lower Dam.

Also all those rights and privileges which, on the first day of August, one thousand eight hundred and sixty-one, or at any subsequent time, were vested in William Stone Macdonald, in respect of a dam called the Rock Marble Dam, situated on the said River Gananoque, about seven miles from the outlet thereof, subject to the duties and obligations to which he was liable in respect thereof, which rights and privileges were acquired and which duties and obligations were incurred for the benefit of the said water power.

[No. 91.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL

To Incorporate the Gananoque Water
Power Company.

PRIVATE BILL.

1st Reading, Feb. 6, 1868.

Mr. GEELEY.

TORONTO:

PRINTED BY SAMUEL BEATTY.

An Act to Incorporate the Town of Brampton.

WHEREAS the Municipal Council of the Village of Brampton, in the County of Peel, by Petition have represented that the said Village is now the County Town of the said County and is the centre of a very considerable trade, and by a Petition to them of a very large number of the rate-payers, and a resolution in favour of the same being carried at a public meeting of the said ratepayers called for that purpose, they are authorized to pray, and by such their Petition do pray for the Incorporation thereof as a Town, and whereas it is expedient to grant such prayer.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The tract of land known as the Village of Brampton shall, upon and from and after the first day of January, one thousand eight hundred and sixty-nine, be incorporated as a Town, with all the rights, powers, privileges and liabilities of an incorporated Town, except as hereinafter mentioned, and as if the said Town had been and were an incorporated Town, under the provisions of the Act of the late Parliament of Canada, passed in the 30th year of Her Majesty's reign, Chapter fifty-one, entitled an Act respecting the Municipal Institutions of Upper Canada and the amendments thereto, and all the rules, regulations, provisions and enactments contained in the said Chapter and the amendments thereto, shall apply to the said Town, except as regards the first Election as hereinafter provided.

2. The Town of Brampton shall be divided into three Wards, in the manner described in the Schedule to this Act, to be named the East, West and North Wards.

3. The Council of the Village of Brampton shall, on or before the first day of December next, after the passing of this Act, by By-law appoint Returning Officers and Polling places for each of the three Wards into which the said Town of Brampton is hereby divided, to hold the first Election, and in discharge of their duties each Returning Officer so appointed shall be subject to all the provisions of the said Act respecting the Municipal Institutions of Upper Canada and the amendments thereto, except as hereinafter provided.

4. And be it further enacted that the franchise and qualification of Members of the Council and Electors shall continue and remain the same as that required by law as the qualification of Councilmen and Electors for Incorporated Villages, until the population shall arrive to that required by law for a Town.

5. This Act shall be deemed a public Act.

Public Act.

SCHEDULE.

WARDS OF THE TOWN OF BRAMPTON.

East Ward. The East Ward shall comprise all that part of the said Town which is bounded as follows, that is to say, commencing where the centre of Queen Street intersects the Easterly limit of the said Town, thence Westerly along the centre of Queen Street to the Southerly limit of the Grand Trunk Railway, thence Westerly along said limit to the centre of Main Street, thence Southerly along the centre of Main Street to the Southerly limit of the said Town, thence Easterly and Northerly along the said limit to the place of beginning.

West Ward. The West Ward shall comprise all that part of the said Town which is bounded as follows, that is to say, commencing where the centre of Main Street intersects the Southerly limit of the said Town, thence Northerly along the centre of Main Street to the Southerly limit of the Grand Trunk Railway, thence Westerly along the said limit to the Westerly limit of said Town, thence along the Westerly and Southerly limit thereof to the place of beginning.

North Ward. The North Ward shall comprise all that part of the said Town which is bounded as follows, that is to say, commencing where the centre of Queen Street intersects the Easterly limit of said Town, thence Westerly along the centre of Queen Street to the Southerly limit of the Grand Trunk Railway, thence Westerly along said limit to the Westerly limit of said Town, thence along the Westerly, Northerly and Easterly limit of said Town to the place of beginning.

No. 92.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to Incorporate the Town of
Brampton.

PRIVATE BILL.

First Reading, February 6th, 1868.
Second Reading.

Mr. COYNE.

TORONTO:

Printed by Samuel Beatty.

No. 93].

BILL.

1868.

An Act to Provide for the Inspection of Asylums,
Hospitals, Common Gaols and Reformatories in this
Province.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

1. The Lieutenant-Governor may appoint some fit and
proper person to be inspector of all public asylums, hospitals,
common gaols and reformatories in this province, other than
the Provincial Penitentiary, who shall hold office during plea-
sure. Appointment
of Inspector

2. It shall be the duty of the said Inspector to visit and in-
spect every Gaol, House of Correction, Reformatory and Prison
or place kept or used for the confinement of persons, in any
part of this province, other than the Provincial Penitentiary,
at least twice in each year, and he may examine any person
holding any office or receiving any salary or emolument in any
such place of confinement, as aforesaid, and call for and inspect
all books and papers relating to such place of confinement, and
may inquire into all matters concerning the said place of con-
finement; and shall make a separate and distinct report in
writing to the Lieutenant-Governor of the state of every such
place of confinement visited by him. Inspectors
duties.
Report to
Lieut.-Gover-
nor.

3. The said Inspector shall have power from time to time,
subject to the approval of the Lieutenant-Governor in Council,
to alter, amend, cancel or rescind any existing rules or regula-
tions for the government of the common gaols of this province,
and to frame and adopt other rules and regulations in that be-
half, touching or extending to— Power to re-
scind existing
regulations
Frame others.

1. The maintenance of the prisoners in regard to diet, cloth-
ing, bedding and other necessities ;

2. Their employment ;

3. Medical attendance ;

4. Religious instruction ;

5. The conduct of the prisoners, and the restraint and pun-
ishment to which they may be subjected ;

6. Also to the treatment and custody of the prisoners gene-
rally, the whole internal economy and management of the gaol,
and all such matters connected therewith, as may be considered
by him expedient, which rules and regulations shall be sub-
mitted to the Lieutenant-Governor for his approval and confir-
mation. But nothing herein contained shall be held to prevent
the County Councils in this province from making such special
regulations as the peculiar circumstances of their respective
Regulations
to be submit-
ted to Lieut.-
Governor.
Special Regu-
lations by

County Councils. gaols and localities may, in their opinion, require, such special regulations not being inconsistent with this Act, or with the general rules and regulations, to be made by the Inspector and approved by the Lieutenant-Governor, as aforesaid.

Construction of gaols. 4. From the time this Act takes effect, every gaol erected in this Province shall be constructed and built according to a plan to be approved of by the Inspector, and sanctioned by the Lieutenant-Governor, and no gaol built after this Act takes effect, in any county in Ontario, otherwise than according to a plan approved and sanctioned, as aforesaid, or that does not, after its completion, receive the approval of the Inspector, shall be deemed to be in law the gaol of such county.

Gaol, plans consideration of. 5. The Inspector, before deciding in any case upon the plan of a gaol most proper to be adopted, shall take into consideration—

- Particulars.
1. The nature and extent of the ground upon which such gaol has been, or is, to be built.
 2. Its relative situation to any streets and buildings, and to any river or other water.
 3. Its comparative elevation and capability of being drained.
 4. The material of which it has been or is to be composed.
 5. The necessity of guarding against cold and dampness, and of providing properly for ventilation.
 6. The proper classification of prisoners, having respect to their age, sex and cause of their confinement.
 7. The best means of ensuring their safe custody without the necessity of resorting to severe treatment.
 8. The due accommodation of the keeper of the gaol, so that he may have ready access to the prisoners and conveniently oversee them.
 9. The exclusion of any intercourse with persons without the walls of the building.
 10. The prevention of nuisances, from whatever cause.
 11. The combining provision, as well for the reformation of convicts, as far as may be practicable, as for their employment, in order that the common gaols may really serve for places of correction.
 12. The admission of prisoners to air and exercise without the walls of the building, and
 13. The enclosure of the yard and premises with a secure wall.
- Examination of P. Lunatic Asylums. 6. With respect to the Provincial Lunatic Asylum, at Toronto, and the Branch Asylums at _____ and _____, the said Inspector shall, at least

times a year, thoroughly examine the manner in which the said institutions are conducted, respectively, and examine the reports respectively made to him by the Medical Superintendents and Bursars.

Reports by
Medical Superintendent
and Bursars.

7. The Inspector shall frame such by-laws as may seem to him most conducive to the peace, welfare and good government of the said asylums, which said by-laws shall have effect when the Lieutenant-Governor has signified his assent thereto.

By-laws.

8. The said Inspector shall keep an exact record of his proceedings, and transmit a copy thereof to the Lieutenant-Governor, under the hand of the said Inspector.

Record of his
proceedings &
copy sent to
Lieut.-Gov.

9. The said Inspector shall, with his annual report to the Lieutenant-Governor, transmit the reports made to him by the Medical Superintendents and Bursars with his observations thereon.

Inspectors
annual report.

10. The Inspector shall, at least twice a year, and oftener, if ordered by the Lieutenant-Governor, visit, examine and report upon the state and management of every hospital or other benevolent institution supported wholly by grant of public money, or by money levied under the authority of law.

Hospitals.

11. The Inspector, whenever required by the Lieutenant-Governor so to do, shall visit, examine, and report to him upon the state, management and condition of every hospital or other benevolent institution, supported, in part, by grant of public money, and, in case of refusal of admission into the same for the purpose of inspection, shall forthwith report such refusal to the Lieutenant-Governor, with the circumstances attending the same.

Report of
their manage-
ment &c.

12. The Inspector, whenever required to do so by the Lieutenant-Governor, and at least once in the year, shall visit, examine and report to him upon the state and management of every private lunatic asylum established under the provision of any Act in force respecting private lunatic asylums, and upon the condition of its inmates, and the Lieutenant-Governor, after the receipt of any such report of the Inspector, may, by any instrument under his hand and seal, suspend or revoke the license granted under any such Act.

Report on
Private Lunatic Asylums.

Condition of
the inmates.
Revocation of
License.

13. The said Inspector shall have, and perform the same powers and duties with respect to any other lunatic asylum or asylums, or of any asylum for idiots, or for the deaf, dumb or blind that may have been, or may be, erected at the public expense, as are vested in him by this Act with respect to the said Lunatic Asylum at Toronto.

Asylum for
Idiots, Deaf,
Dumb and
Blind.

14. The Inspector shall make an annual report to the Lieutenant-Governor on or before the first day of February in each year, which report shall contain a full and accurate report on the state, condition and management of the several asylums, hospitals, gaols and other institutions under his inspection, and inspected by him during the preceding year, together with such suggestions for the improvement of the same as he may deem necessary and expedient, and which report, as far as respects the reformatories under his inspection, shall comprise and embrace the following particulars, viz.:

General Annual Report.

Suggestions
for improve-
ment.

Particulars.

1. A copy of the Warden's Report to the Inspector.
2. Copies of the Chaplain's Report to the Inspector.
3. Copy of the Physician's Annual Report.
4. A Return of the names, ages, country, calling, and crimes of the offenders, received into the Reformatory during the year, and the Township, County, Town, and City from which each came.
5. A Return of the names, ages, callings, and crimes of the offenders who died in the Reformatory during the year, and the Township, County, Town, and City from which each came.
- A similar Return of the offenders liberated during the year, by the expiration of the term for which they were sentenced.
7. A similar Return of the offenders who had the Royal pardon extended to them during the year.
8. A tabular Statement showing the number of prisoners in the Reformatory at the date to which the last previous Annual Report was made up,—the number received during the year, the number discharged, the number then in confinement, and the average number in the Reformatory during the year, showing the particulars separately as to the male and female prisoners.
9. A balance sheet of the affairs of the Institution, at the thirty-first day of December, of the year reported upon, showing the amount of cash received from the public Exchequer, since the commencement of the Institution and the existing assets thereof.
10. A cash balance for the past year showing the sum on hand on the thirty-first day of December, the cash received through the year, from Government towards the support and expenses of the prison, the amount received for Convict labour, and the amounts received on all other accounts during the year. The said balance sheet shall also show separately, the sums paid for food, bedding, clothing, and Hospital Stores for the offenders,—the salaries of the officers—fuel and light—for the erection of new buildings and repairs—for the support of the stable—and for all other items of expenditure, also the Cash on hand at the close of the year.
11. A statement of all debts due by the Institution, showing the names of the parties to whom each sum is due, also showing the debts, if any, due to the Institution, with the amounts and ground of each debt.
12. An inventory and valuation of all the property, estate, and effects of the Institution distinguishing the estimated value of the several descriptions of property.
13. An estimate of the receipts and expenditures for the current year, and of the amount of aid likely to be required from the Provincial Exchequer.

14. A statement showing in what manner the offenders were employed as at the thirty-first day of December, of the year reported on, and the average number at each trade or occupation during the year.

15. In case the Inspector shall at any time find that the Common Gaol in any County or City in this Province is out of repair, or is, or has become unsafe or unfit for the confinement of prisoners, was not constructed or maintained in conformity with the provisions of Section No. 4 of this Act, and the subsections thereof, or that the same does not afford sufficient space or room for the number of prisoners usually confined therein, he shall forthwith report the fact to the Lieutenant Governor, and shall at the same time furnish a copy of such Report to the Council of the County or City to which such Common Gaol may belong, and such Council shall thereupon appoint a special Committee to confer with the said Inspector, and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defect so reported upon by the Inspector, and to report the same to the said Council, and in case the Inspector, and the said Committee do not agree upon the said repairs, alterations or additions, the matter shall then be referred to the Lieutenant Governor in Council to decide between them, which decision shall be reported to the said Council;—and it shall be the duty of the said Council in either case, by By-Law, to order and provide for the making of the said repairs, alterations, or additions, and for the appropriation of any money that may be required for that purpose, and in default thereof the said Council may be proceeded against by Mandamus, issued out of either of the Superior Courts of Common Law at Toronto, at the instance and prosecution either of the Attorney General or any private prosecutor to compel the making by the said Council of such repairs, alterations or additions, and the said Council and the Members and officers thereof, shall be subject to all the process of the said Courts for contempt of the orders or process thereof.

Report to the
Lieut.-Gov
Copy furnish-
ed to the
County Coun-
cil.

By-law
repairs.
In default of
repairs—pro-
ceeding by
Mandamus.

16. The Inspector and the said Special Committee of the said County or City Council shall, in arranging the particulars of the necessary repairs, alterations or additions, as aforesaid, have due regard to the plan of the gaol, and to the ability of the Council to meet the expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of the Act, and of the public service will admit.

Repairs to be
made with
due regard to
the ability of
the Council to
meet the ex-
pense.

17. All actions, suits and prosecutions against any person or persons for anything done in pursuance of this Act, shall be laid and tried in the county where the fault was committed, and shall be commenced within six months after the fault committed, and not otherwise or afterwards.

Action for
anything done
under this
Act.

18. From and after the appointment of the Inspector under this Act, the Medical Superintendent and Bursar of the Provincial Lunatic Asylum, and of the Reformatory at Penetanguishene, shall make to the said Inspector the annual report heretofore required to be made by them to the Board of Inspectors appointed under the Consolidated Statutes of the late Province of Canada, chapter 110.

Medical Sup-
erintendent
and Bursar to
make their
report to the
Inspector.

Inconsistent
enactments
repealed.

19. All enactments and provisions of law inconsistent with or repugnant to this Act are hereby repealed.

Construction
of, wards.

20. In the construction of this Act the word "county" shall be held to mean "county or union of counties."

21. The salary of the said Inspector shall be per annum, exclusive of travelling expenses, and shall be charged upon and payable out of the Consolidated Revenue Fund for the Province of Ontario.

Title of the
Act.

22. This Act may be cited, in pleading or otherwise, as "The Prison and Asylum Inspection Act, 1868."

[No. 33.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to provide for the Inspection
of Asylums, Hospitals, Common
Gaols, and Reformatories in this
Province.

1st Reading, February 6, 1868.

THE HON. ATTY.-GEN'L.
MACDONALD.

TORONTO:
PRINTED BY SAMUEL BEATTY.

An Act to Incorporate the Toronto Trust Company.

WHEREAS the persons hereinafter named, and others, propose to establish a Joint Stock Company, and have petitioned for an Act of Incorporation for said Company : Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

Preamble.

1. The Honourable George Brown, of Toronto; Frederick W. Cumberland, Esquire, of Toronto, M. P. P., Managing Director Northern Railway Company; Adam Crooks, Esquire, Q. C., of Toronto; Humphrey Lloyd Hime, Esquire, Stock and Money Broker, of Toronto; Stephen Heward, Esquire, of Toronto; Dalrymple Crawford, Esquire, Merchant, of Toronto; John Boyd, Esquire, Merchant, of Toronto, and James D. Edgar, Barrister, of Toronto, (who shall be provisional Directors) and all other person and persons, body and bodies politic, as shall from time to time be possessed of any share or shares in the undertaking, shall be united into a Company and shall be one body politic and corporate, by the name of "The Toronto Trust Company," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name shall sue and be sued, plead and be impleaded in all Courts whatsoever.

Certain persons incorporated.

Corporate name

2. The Capital Stock of the Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each; Provided that stock to the amount of one hundred thousand dollars shall be subscribed, and fifty thousand dollars thereof paid up before the Company shall go into operation, and for every year thereafter at least a further sum of ten per centum upon the allotted stock of the Company shall be called in and made payable, until the whole shall have been so called in.

Capital and Provision for increase.

3. The Company may acquire, hold and dispose of the stocks, bonds, debentures, and municipal securities, and the obligations of corporate companies, and may buy and sell evidences of debt, secured by mortgage or pledge, of freehold or leasehold lands.

Company may acquire certain securities.

4. The Directors may from time to time, with the consent of the shareholders present or represented in a general meeting, borrow money on the debentures of the Company at such rates of interest, and upon such terms as they may think proper, and the Directors may for that purpose, make or cause to be made debentures under the common seal of the Company for sums not less than one hundred dollars, which may be payable at any place, and either to order or bearer, and may have interest coupons attached : Provided that no lender shall

Borrowing powers of the Company.

be bound to enquire into the occasion of any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted; and the said Company may receive money on deposit: Provided that the aggregate amount of such deposits, together with the amount of Debentures issued and remaining unpaid, shall not, at any time, exceed the amount of cash and securities, at their cash value, belonging to the Company, and shall at no time exceed the paid up capital of the Company.

May act as a Trust Association, and deal in certain securities.

5. The Company is empowered to act as an Agency and Trust Association and may hold, invest and deal with such moneys, mortgages, securities or evidences of debt as shall, from time to time, be transferred or delivered to the Company upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same, might, or could exercise, and the company may give such guarantee as may be agreed on for repayment of principal or interest, or both, of any such moneys, mortgages, securities or evidences of debt.

May hold real estate.

6. The Company may hold such real estate, including lands actually required by them for an office in the city of Toronto, as may be acquired by them for the protection of their investments, and may, from time to time, sell, mortgage, lease, or otherwise dispose of the same; Provided always, that the Company shall sell any such real estate, the premises occupied by the Company as aforesaid, within five years after so acquiring it, and that the same shall not at any time exceed in annual value, the sum of Ten Thousand Dollars.

Same to be sold.

Head Office.

Offices in London and Edinburgh.

7. The head office of the Company shall be in Toronto, but the Directors may have offices in London, England, and in Edinburgh, Scotland, and may appoint Trustees to manage them, and for such other purposes as the Directors shall determine, and the debentures, coupons, or dividends of the company may be payable at any place in London or Edinburgh, and in sterling or currency.

How transmission of interest to be authenticated.

8. The transmission of the interest in any share of the Capital Stock, in consequence of marriage, death, or insolvency of a shareholder, or by any other means than an ordinary transfer, shall be authenticated and made in such form, by such proof, and generally in such manner as the Directors shall from time to time require, or by by-law direct.

Interest on calls overdue.

9. Interest shall accrue, and fall due, at the rate of six per cent per annum upon the amount of any unpaid call from the day appointed for payment of such call.

Action for calls.

10. The Company may enforce payment of all calls and interest thereon, by action, in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share, or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount in respect of one call or more upon one share, or more, stating the number of calls, and the amount of each, whereby an action hath accrued to the Company under this Act: and a certificate under their seal, and purporting to be signed by the President, Secretary, or General Manager of the Company, to the effect

What only need to be alleged and proved.

that the defendant is a shareholder, that such call or calls have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of Law and equity as *prima facie* evidence to that effect.

11. If after such demand or notice, as the by-laws of the Company may prescribe, any call made upon any share or shares, be not paid within such time as by such by-laws may be limited in that behalf, the Directors, in their discretion by vote to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain.

12. The Shareholders of the Company shall have full power in all things to administer the affairs of the company and to make by-laws regulating the issue and registration of certificates of stock, the transfer of stock, the calling in of amounts due on subscribed stock, the declaration and payment of dividends, the number of directors, their term of service, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company, their remuneration, and that (if any) of the directors, the place or places where the annual meeting of the company shall be held, and where the business of the company shall be conducted, the calling of meetings, regular and special of the Board of Directors of the company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the company, and may from time to time repeal, amend, or re-enact the same.

Shareholders
may make by-
laws.

13. Every Shareholder in the company shall be entitled to one vote for each share he may hold in the capital stock of the Company, at least one month prior to the time of voting; Provided that no shareholder being in arrears in respect of any call shall be entitled to vote at any meeting of the Company, and the votes of the shareholders may be given in person or by proxy.

Voting.

14. A copy of any by-law of the Company under their seal, and purporting to be signed by any of the officers aforesaid, shall be received as *prima facie* evidence of such by-law in all Courts of law and equity in this Province.

Certified copy,
by-law evi-
dence.

15. So soon as one hundred thousand dollars of the capital stock shall have been subscribed, and fifty thousand dollars thereof paid up, the Directors shall call a general meeting of the shareholders, to be held in the City of Toronto, of which meeting not less than ten days' notice shall have been given by public advertisement in the *Ontario Gazette*, for the purpose of passing by-laws for the management of the affairs of the Company, the election of Directors, the appointment of officers, and generally for the exercise of the powers conferred on the shareholders by the tenth section of this Act.

First meeting
of Shareholder

Powers of provisional Directors to cease.

16. So soon as Directors shall have been appointed under the next preceding section, the powers and functions of the Provisional Directors shall cease and determine.

Failure of election of Directors not to dissolve Company

17. If, at any time, an election of Directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose.

Annual meeting.

18. The general annual meeting of the company shall be held on the fourth Thursday in January, in each year, and at such meeting a full and detailed statement of the financial affairs of the company, up to the thirty-first day of December of the year then last past, shall be submitted to the stockholders, and shall appear in the books of the company, and be open for the inspection of the shareholders; but said annual general meeting may be adjourned to a future day with the consent of a majority of the stockholders present or represented at the meeting.

Books to be kept

19. The company shall cause a book or books to be kept by the Treasurer, or by some other officer specially charged with that duty, wherein shall be kept recorded—

By-laws.

1. A correct copy of the Act incorporating the company, as also of any and every by-law thereof.

Names.

2. The names, alphabetically arranged, of all persons who are or have been shareholders.

Addresses.

3. The addresses and calling of every such person while such shareholder.

Shares.

4. The number of shares of stock held by each shareholder.

Transfers.

5. All transfers of stock in their order, as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and,

Directors.

6. The names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director.

Effect of transfer limited until entered.

20. No transfer of stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor to the Company and their creditors until entry thereof has been duly made in such book or books.

The books to be open to Stockholders and creditors of Company.

21. The stock and transfer book shall, during reasonable business hours of every day except Sundays and Statutory holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives at the office or chief place of business of the Company, and every shareholder, creditor or representative may make extracts therefrom.

Effect as Evidence.

22. Such books shall be *prima-facie* evidence of all facts purporting to be thereby stated in any suit or proceeding against the Company or against any shareholder.

23. Every director, officer or servant of the Company who knowingly makes, or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts taken therefrom, shall be liable to a penalty not exceeding twenty dollars for making each such untrue entry and for each refusal or neglect, and also for all loss or damage which any party interested may have sustained thereby.

24. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares, and the receipt of the shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect to such shares, and whether or not such notice of such trust shall have been given to the Company, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Penalty for untrue entries.

25. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and any cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such, under the by laws of the Company, not inconsistent with this Act, shall be binding upon the Company, and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange or cheque, or to prove that the same was made drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order, nor shall the party so acting as agent, officer or servant of the company, be thereby subjected to any individual liability whatever to any third party therefor.

Company not bound to see to trusts and shares.

26. Each shareholder, until the whole of his stock has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor before an execution against the Company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders.

Contracts by the Company how to be executed.

27. The shareholders of the company shall not, as such, be held responsible for any act, default, or liability, whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing, whatsoever, relating to, or connected with the company, beyond the amount of their respective shares in the capital stock thereof.

Liability of Shareholders limited.

28. Any description of action may be prosecuted and maintained between the Company and any shareholder thereof, and no shareholder, not being himself a party to such suit, shall be incompetent as a witness therein; and the officers of the Company shall be competent witnesses in all actions brought by or against the Company.

29. The Company shall make, and furnish, to the Lieutenant-Governor, and to the Legislative Assembly of Ontario during the first fifteen days of the first Session, in each and every year, a full and unreserved statement of the affairs of the said Company, and of its funds, property, and securities.

Annual statement required.

1st Session, 1st Parliament, 31st Victoria, 1868

BILL

An Act to Incorporate the Toronto
Trust Company.

PRIVATE BILL.

1st Reading, February 5, 1868.
2nd Reading, 1868.

Mr. CUMBERLAND.

TORONTO:

PRINTED BY SAMUEL BEATTY.

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26
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No. 95.]

BILL.

[1868.

An Act to amend the Charter of the Grey and Simcoe
Railway Company.

WHEREAS the Grey and Simcoe Railway Company have
Petitioned for power to construct a continuation of
their Line of Railway to the Town of Walkerton, and some
further point in the County of Bruce, and in that event to be
empowered to locate said Railway in such direction as may
seem best calculated to meet the requirements of the districts
proposed to be served, and that the period for the commence-
ment of the construction of said Railway might be extended,
and it is expedient that their Charter should be amended, ac-
cording to the prayer of their Petition; therefore, Her Ma-
jesty, by and with the advice and consent of the Legislative
Assembly of the Province of Ontario, enacts as follows:

Preamble

1. The said Grey and Simcoe Railway Company, and their
servants, shall have full power and authority to extend the
construction of their Railway to the Town of Walkerton, in
the County of Bruce, and to such other and further point in
the said County as the Municipal Council of said County may
approve.

Power to
construct
extension.

2. The said Company shall have power so to locate the said
Railway that it may connect with any point on the Northern
Railway of Canada, and, passing through the County of Grey,
be extended to the Town of Walkerton, and such further point
in the County of Bruce as aforesaid.

To connect
with North-
ern Railway
at any point.

3. The time for the commencement of the construction of
the Railway authorized to be constructed by this Act, and the
Act passed in the Twenty-eighth Year of the Reign of Her
Majesty, Queen Victoria, Chaptered Thirty-eight, Incorporat-
ing the said Grey and Simcoe Railway Company, is extended
for the period of two years from the passing of this Act.

Time for com-
mencement
extended.

4. All the powers, clauses and provisions contained in the
said Act of Incorporation of the said Grey and Simcoe Rail-
way Company shall be read with this Act, and shall apply to
the extended powers conferred hereby, except in so far as they
may be inconsistent with this Act.

Provisions of
28 Vic. cap.
38 to apply.

5. From and after the passing of this Act, the Corporate
name of the said Company shall be "The North-western Rail-
way of Canada," instead of "The Grey and Simcoe Railway
Company."

Change of
name.

6. This Act shall be deemed a Public Act.

Public Act.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

To Amend the Charter of the Grey
and Simcoe Railway Company.

PRIVATE BILL.

First Reading, February 6, 1868.

MR. CUMBERLAND.

TORONTO:

PRINTED BY SAMUEL BEATTY.

An Act for the Incorporation of the Burnside Lying-in Hospital of Toronto.

WHEREAS a Lying-in Hospital has been established in the City of Toronto for a number of years, and has administered relief to many patients in each year. - And whereas Sarah M. Grasett, Francis Hodder, Janet Morrison, Wilnot Cumberland, Edward M. Hodder, M.D., Julia Gwynne, Charlotte B. Ridout, Annie Grant, Augusta A. Strachan, Sarah Risly, Alice Hall, Catharine Richards, Elizabeth Cumming, members of the Board of Management thereof, have petitioned that corporate power may be conferred upon them; and whereas it is expedient to grant the prayer of the petition;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. Edward M. Hodder, M.D., Sarah M. Grasett, Frances Hodder, Janet Morrison, Wilnot Cumberland, Julia Gwynne, Annie Grant, Charlotte B. Ridout, Augusta A. Strachan, Sarah Risly, Alice Hall, Catharine Richards, Elizabeth Cumming, and all others who shall, under the provisions of this Act, become members of the said institution, shall be and are hereby declared to be a body politic and corporate in deed and in name, by the name of "The Burnside Lying-in Hospital of Toronto."

Certain persons incorporated.

Corporate name.

2. The said Corporation may purchase, acquire, and hold, sell, lease, or otherwise alienate any real estate within this Province, which they may require for their actual use or occupation, and shall have full power to appoint, and at pleasure to remove such physicians, officers, and servants, as they may desire.

Corporate powers.

3. The said Corporation shall and may, from time to time, hold meetings of the members thereof, to be called together at such times and places as shall be appointed by the by-laws, rules and regulations, to transact the business of the said institution, and shall and may at any meeting elect such persons to be members of the said Corporation, as the majority of those present shall see fit, and at any such meeting five shall constitute a quorum.

Meetings.

Quorum.

4. By-laws, and rules, and regulations for the election of a committee of management and officers, and for general purposes of the institution, may be passed at any such meeting.

Power to make by-laws

5. The estate, real and personal, of the said institution, when this act goes into force, or then held in trust for it, shall become the property of the Corporation hereby created, and the officers and the managing committee of the said Institution, shall be and continue to be the officers and managing committee of the said Corporation, until others shall be appointed in their stead, and the by-laws, rules and regulations of the said institution shall be and continue to be by-laws, rules and regulations of the said corporation until altered or repealed.

Estate of institution to vest in corporation.

Officers to remain until new appointments.

Annual re-
port.

6. The said Corporation shall, at all times, when thereunto required by the Legislature, or by the auditor of the provincial accounts, make a full return of their property, and of their receipts and expenditure for such period and with such details and other information as may be required.

Public act.

7. This Act shall be deemed a public act.

[No. 96.1

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to Incorporate the Burnside
Lying-in Hospital.

PRIVATE BILL.

1st Reading, February 6, 1868.

HON. M. CAMERON.

TORONTO :
PRINTED BY SAMUEL BEATTY

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No. 97.]

BILL.

[1868.

An Act to give effect to an Indenture bearing date the first day of February, A. D. 1868, and made between Edmund Allan Meredith and Anne Frances Meredith, his wife, of the first part, Mary Louisa Nanton, of the second part, Lewis William Ord and Sarah Harriett Ord, his wife, of the third part; William Charles Gwynne and Frederick William Jarvis, of the fourth part, and James Henderson, the younger, of the fifth part.

WHERAS, by an indenture bearing date the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and fifty one, and made between William Botsford Jarvis in his life time, of the City of Toronto, Esquire, since deceased, of the first part, Mary Jarvis, his wife, since deceased, of the second part, and William Charles Gwynne and Frederick William Jarvis and Philip Michael Matthew Scott Vankoughnet, now the Chancellor of that part of the Dominion of Canada, formerly constituting the Province of Upper Canada, of the third part, which indenture was registered in the Registry office of the County of York, on the twenty-third day of June, in the year of our Lord one thousand eight hundred and fifty-three, memorial number 49,922, and by virtue also of another indenture bearing date the twenty-second day of April, in the year of our Lord one thousand eight hundred and sixty-two, and made between one George Duggan, the younger, of the first part, Phoebe Ann Duggan, his wife, of the second part, and the above-named William Charles Gwynne, Frederick William Jarvis and Philip Michael Matthew Scott Vankoughnet, of the third part, and others of other parts, and registered in the Registry office of the County of York, on the seventeenth day of September, in the year of our Lord one thousand eight hundred and sixty-two, memorial number 84,929, and by virtue also of an indenture by way of marriage settlement, executed upon the occasion of the intermarriage of Ann Frances Jarvis, daughter of the said William Botsford Jarvis and Mary, his wife, with one Edmund Allan Meredith, bearing date the sixteenth day of July, in the year of our Lord one thousand eight hundred and fifty-one, and of another indenture by way of marriage settlement executed upon the occasion of the intermarriage of Mary Louisa Jarvis, another daughter of the said William Botsford Jarvis and Mary, his wife, with one Augustus Nanton, since deceased, bearing date the fifteenth day of May, in the year of our Lord one thousand eight hundred and fifty-five, and of another indenture by way of marriage settlement, executed upon the occasion of the intermarriage of Sarah Harriett Jarvis, another daughter of the said William Botsford Jarvis, and Mary, his wife, with one Lewis William Ord, bearing date the twenty-third day of June, in the year of our Lord one thousand eight hundred and fifty-four, they, the said William Charles Gwynne, Frederick William Jarvis and Philip Michael Matthew Scott Vankoughnet became and were seized

Preamble.

Indenture
dated 26th
April, 1851.

Indenture
dated 22nd
April, 1862.

Marriage Set-
tlement dated
16 July, 1851.

Marriage Set-
tlement dated
15 May, 1855.

and possessed of divers lands and tenements, monies and securities for money, upon certain trust in the said respective indentures by way of marriage settlement declared for the benefit of the said Edmund Allan Meredith and Anne Frances Meredith and their issue, and the said Augustus Nanton and Mary Louisa Nanton and their issue, and the said Lewis William Ord and Sarah Harriett Ord and their issue, in equal undivided third parts severally and respectively, subject, however, to certain powers in the said respective marriage settlements contained, enabling the said Anne Frances Meredith, Mary Louisa Nanton and Sarah Harriet Ord, as to their respective undivided third parts or shares by deeds to be executed by them jointly with their respective husbands, by and with the consent in writing of the said Trustees, William Charles Gwynne, Frederick William Jarvis and Philip Michael Matthew Scott Vankoughnet, or the survivors of them, to alter the trust purposes upon which such respective undivided third parts or shares were so held in trust by the said William Charles Gwynne, Frederick William Jarvis and Philip Michael Matthew Scott Vankoughnet.

Appointment
of P. M. M. S.
Vankoughnet
as Chancellor.

And whereas the said Philip Michael Matthew Scott Vankoughnet was, in the year of our Lord one thousand eight hundred and sixty-two, appointed to be Chancellor of Upper Canada, and thereupon, deeming it incompatible with his position as such Chancellor, to continue any longer to act in Trusts of the said Indenture, he filed his Bill in the Court of Chancery for Upper Canada, praying to be relieved and discharged from the said Trusts and from being a Trustee of the said Indentures and of the said Trust Estate, and thereupon a decree was made by the Court of Chancery for Upper Canada, bearing date the tenth day of September, in the year of our Lord one thousand eight hundred and sixty-two, and registered in the registry office of the County of York, on the seventeenth day of September, in the year of our Lord one thousand eight hundred and sixty-two, Memorial Number 84926, whereby he, the said Philip Michael Matthew Scott Vankoughnet was discharged from being any longer a Trustee of the said Indentures and the said Trust Estate.

Bill filed by
him to be re-
lieved from
Trusts.

Decree 10
Sept., 1862.

Death of A.
Nanton.

And whereas the said Augustus Nanton departed this life in the year of our Lord one thousand eight hundred and sixty-seven, leaving the said Mary Louisa Nanton, his widow, him surviving.

No provision
for Partition.

And whereas the said Trust Indentures made no provision for a partition of the said Trust Estate between the respective parties interested in the said undivided third parts or shares therein, nor for appointing new Trustees, or adding Trustees from time to time.

Settlements
imperfect.

And whereas by reason, as well of the said Philip Michael Matthew Scott Vankoughnet having ceased to be a Trustee of the said indentures and of the said Trust Estate, as of the death of the said Augustus Nanton, the purposes by the said respective Indentures by way of marriage settlement contemplated, cannot now be effected otherwise than under an Act of Parliament, and the said respective marriage settlements are found to be imperfect and insufficient.

And whereas the said Edmund Allan Meredith and Anne Frances Meredith, Mary Louisa Nanton, Lewis William Ord and Sarah Harriett Ord, have agreed among themselves to a partition, among them, of the said Trust Estate, so that their respective third parts of the lands and tenements, monies and securities for money, now constituting the said trust estate, may be held and enjoyed in severally, and with the consent, in writing, of the said William Charles Gwynne and Frederick William Jarvis, the sole continuing Trustees of the said Indentures, they have executed an Indenture, as well for the purpose of effecting such partition as for transferring their said respective third part or shares therein, severally, to one James Henderson, the younger, upon certain trusts for the benefit of the said respective parties interested in the said Trust Estate, in severally, and for discharging the said Charles William Gwynne and Frederick William Jarvis, from being any longer Trustees of the said Trust Estate, which said Indenture bears date the first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, and is made between the said Edmund Allen Meredith and Anne Frances Meredith, his wife, of the first part, the said Mary Louisa Nanton of the second part, the said Lewis William Ord and Sarah Harriett Ord, his wife, of the third part, the said William Charles Gwynne and Frederick William Jarvis of the fourth part, and the said James Henderson, the younger, of the fifth part.

Agreement
for Partition.

By Indenture
dated 1st Fe-
bruary, 1868.

And whereas the said Edmund Allan Meredith and Anne Frances Meredith, Mary Louisa Nanton, Lewis William Ord and Sarah Harriett Ord have presented their petition, whereby they have prayed that the said last-mentioned indenture and the several provisions thereof may be confirmed by an Act of Parliament, so that no doubt hereafter may exist as to its validity and effect.

Prayer for
confirmation
by Act of
Parliament.

And whereas it is expedient that the prayer of such Petition should be granted,

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

The said indenture bearing date the first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, and which, at the time of the passing of this Act has been registered in the Registry office of the County of York, under the registration number , is hereby declared to be, and shall from henceforth be taken and adjudged to be valid and effectual for the several purposes therein contained and expressed.

Indenture
dated 1st Feb.
1868 declared
valid.

The lands and tenements, mortgage securities, mortgage debts, Property and all and singular the trust premises by the said indenture, comprising bearing date the first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, expressed to be conveyed to the said James Henderson, the younger, shall at all times hereafter be deemed taken and adjudged to have been vested in and well and effectually conveyed to the said James Henderson, from the said first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, and to be vested in the said James Henderson, the younger, and the Trustee or Trustees

Property
comprised
therein de-
clared valid
in James
Henderson.

Subject to
certain trusts:

for the time being of the said indenture, his and their heirs, executors, administrators and assignees, upon however and subject unto the several and respective trust purposes, and subject to the several powers, restrictions, limitations and provisions in the said indenture, declared and expressed of and concerning the same respectively.

In case of in-
advertant
omission,
trust Estate
omitted to be
conveyed to
Henderson.

3rd. In case it should at any time hereafter appear that by inadvertence any part of the said Trust Estate so as aforesaid heretofore vested in the said William Charles Gwynne and Frederick William Jarvis, or in their, or either of their possession, has not been taken into consideration in the making of such partition aforesaid, and for such reason has been omitted to be, or has not been, sufficiently expressed or contained in the said Indenture, bearing date the First day of February, in the Year of Our Lord One Thousand Eight Hundred and Sixty-eight, the same may be conveyed, assigned and transferred by the said William Charles Gwynne and Frederick William Jarvis, or either of them, or by the survivor of them, or the heirs of such survivor, or by the executors or administrators of such of them as may have such Trust Property in their respective possession, according to the nature of such Trust Estate respectively, unto the said James Henderson, the younger, or the Trustee or Trustees for the time being of the said Indenture, and thereupon, or without any such conveyance, assignment or transfer, the said James Henderson, the younger, his heirs, executors and administrators, and the Trustee or Trustees for the time being of the said Indenture, bearing date the First day of February, in the Year of Our Lord One Thousand Eight Hundred and Sixty-eight, in three equal, several parts or shares upon the like Trusts, and subject to the like powers, restrictions, limitations and provisions, for the use and benefit of the several and respective *cestuis que* trust of the said Indenture as are in that Indenture expressed and contained in respect of the several and respective parts or shares which are by the same Indenture expressed to be conveyed, assigned and transferred.

Legal Estate
vested in
Henderson.

Upon Trusts.

Expenses,
payment of.

4th. The expenses attending the preparation and execution of the said Indenture, bearing date the First day of February, in the Year of Our Lord One Thousand Eight Hundred and Sixty-eight, and attending the preparing, soliciting for and obtaining this Act, shall be a charge upon the said Trust Estate in equal third parts, and shall and may be paid for thereout by the said James Henderson or the Trustee or Trustees for the time being of the said Indenture.

public Act.

This Act shall be deemed to be a Public Act.

1st Session, 1st Parliament

[No.

BII

An Act to give effect to the
trust bearing date
1868, between Ed-
ward and Ann Fr-
the first part, Ma-
of the second part,
Ord and Sarah
wife, of the third
Charles Gwynne
William Jarvis, and
and James Hend-
of the fifth part.

PRIVATE

1st Reading, Feb
2nd Reading,
3rd Reading,

II

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[No. 98.

BILL.

[1868

An Act to Incorporate the Clifton Suspension Bridge Company.

HEREAS, John T. Bush, of the Town of Clifton, in the Township of Stamford, in the County of Welland, in this Province, has, by his petition, set forth that he, the said John T. Bush, with Delos Dewolf, of Oswego, William G. Fargo, of Buffalo, Vivus W. Smith, of Syracuse, and Hollis White, of Niagara Falls, all in the State of New York, lately obtained from the Legislature of the said State of New York a charter of Incorporation for the construction of a Suspension Bridge across the Niagara River, immediately below the Falls of Niagara; that in order to carry out the object of their incorporation it is necessary that the said parties should obtain an Act of Incorporation from the Legislature of this Province, to enable them to acquire and hold such lands within this Province as may be required for the construction of the said Bridge, and for other purposes connected therewith, and has prayed for an Act of Incorporation on that behalf. Preamble.

And, whereas, it is expedient to grant the prayer of the said petition; therefore,

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said John T. Bush, Delos Dewolf, William G. Fargo, Corporation, Vivus W. Smith and Hollis White, together with all other persons who may become shareholders of the company hereby Incorporated, shall be, and they are hereby constituted a body politic and corporate by the name of "The Clifton Suspension Bridge Co."

2. The said Company may purchase and acquire, either from the Crown, the Dominion of Canada, or from individuals or corporations, any land or real estate on or near the bank of the Niagara River, in the said town of Clifton, necessary for the purposes of the said proposed Suspension Bridge, and to hold, alien, and convey the same for that purpose. May purchase and hold lands, &c.

3. The capital of the said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each. Capital \$100,000.

4. The stock property and affairs of the said Corporation shall be managed by five Directors, who shall be shareholders, annually chosen on the first Monday in May, in each year, at such place in the Town of Clifton as a majority of the Directors may appoint. The persons named in the first clause of this Act shall be, and act as Directors until the first Monday in May next, after the passing of this Act, and until their successors shall have been chosen. Each shareholder, at all elec- Directors to manage Corporation.

tions of Directors, shall be entitled, either in person or by proxy, to one vote for each share of stock held in his own name. All elections of Directors shall be by ballot, and the persons having the greatest number of votes shall be Directors, and shall hold office for one year, and until their successors shall have been chosen. The Directors for the time being may fill any vacancy occurring in the Board by the appointment of some other shareholders thereto, who shall hold office until the next annual election. After every annual election of Directors such last mentioned Directors shall, at their first meeting, choose one of their number to be President of the Corporation, who shall hold office until the next annual meeting. Notice of every such annual election shall be given at least one month before the day of election, in some newspaper published in the Town of Clifton, or nearest thereto.

Directors to make by-laws 5. The Directors, or a majority of them, shall have power from time to time to make and establish such by-laws and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property and effects of the said Corporation, and touching the duties of its officers, clerks and servants, their appointment and salaries, and all such other matters and things as shall appertain to the business of the Corporation, and the same to alter, amend, rescind and repeal at their pleasure.

5. This Act shall be a Public Act.

BILL.

An Act to Incorporate the Clifton
Suspension Bridge Company.

1st Reading, February 6, 1868.
2nd Reading, February , 1868.
3rd Reading, February , 1868.

Mr. BEATTY.

TORONTO:
PRINTED BY SAMUEL BEATTY.

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No. 99.]

BILL.

[1868.

An Act to authorize the Law Society of Upper Ontario to admit John Whitley as a Member of the said Society, and as a Barrister-at-Law.

WHEREAS, John Whitley has, by his petition, represented that he was in Hilary Term, in the year 1862, duly admitted as an Attorney-at-Law and Solicitor in Chancery in Upper Canada, and that he has been since such admission, and still is, actively engaged in the practice of his profession, and that he is desirous of being called to the Bar of Ontario upon passing the usual preliminary and final examinations prescribed by the Law Society of Ontario, without being required to stand as a Student of the Laws, upon the books of the said Society, for the period prescribed by law, or to keep the terms prescribed by the rules of the said Society. And, whereas, inasmuch as the said John Whitley has been practising as an Attorney and Solicitor for the period of six years, it is expedient to allow him to be called to the bar without waiting the usual period of probation as a student. Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. It shall be lawful for the Law Society of Ontario, and the Benchers thereof, in their discretion, and upon the payment of the usual fees therefor, to place the name of the said John Whitley upon the roll of members of the said society, and to call and admit him to the degree of Barrister-at-Law, and the practice of the law as such, as soon as he has passed the usual preliminary and final examinations prescribed by the rules of the said society, without requiring him to remain upon the books of the said society as a student of the laws, for the period prescribed by law, and without his compliance with the other requirements of the law, or of the rules and regulations of the Law Society of Ontario in that behalf, any law, usage, or regulation to the contrary notwithstanding.

Law Society authorized to admit petitioner as a barrister.

2. This Act shall be deemed a public act.

Public act.

BILL.

An Act to authorize the Law Society
of Ontario to admit John Whitley
as a Member of said Society, and
as a Barrister-at-Law.

PRIVATE BILL.

1st Reading, February 6, 1868.
2nd Reading,
3rd Reading,

MR. LAUDER.

TORONTO:

PRINTED BY SAMUEL BEATTY.

An Act to establish Municipal Institutions in the District of Algoma.

WHEREAS it is expedient and necessary to grant to the inhabitants of the District of Algoma the privileges now enjoyed by the remainder of the Province of Ontario, by the establishment of Municipal Institutions in such portions of the said District as are warranted by the population. And, whereas it is advisable that the said District, wherever there are settlements of any great extent, should be divided into Independent Municipalities, having all the necessary powers for local taxation, for self-government, and the improvement of the said Municipalities; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Preamble.

1. It shall be lawful for the inhabitants of the District of Algoma, wherever there is a settlement of a population of not less than hundred persons, to organize themselves into a Municipality.

Municipalities may be organized.

2. The said Municipality shall extend over and contain an area of not less than thousand, nor more than thousand acres of land.

Area of Municipality.

3. In order to constitute and establish a Municipality, as above provided, it shall be lawful for the Judge of the District of Algoma, upon the receipt of a petition, signed by not less than in any settlement, in the said District, to call a meeting by public notice, of said inhabitants, to consider the expediency of erecting a Municipality, at which meeting the extent and boundary of said proposed Municipality shall be defined, and a name selected for the same.

District Judge upon petition, to call public meeting to form Municipality.

4. Before the said Judge shall call said meeting, it shall be the duty of those petitioning for said Municipality, to deposit with him a sum sufficient to meet the expense of said Meeting, as also of the election to be held as hereafter provided.

Petitioners to deposit amount to meet expenses.

5. The said Judge shall name some fit and competent person to preside at said Meeting, who shall forthwith report the result of the same to said Judge.

Judge to appoint Chairman.

6. Upon receiving the report of said meeting, the Judge shall fix a time and place for holding the first election, in said proposed Municipality, and shall in the notice providing for said election, define the extent and boundaries of said proposed Municipality, and also name the Returning Officer who shall side at said election.

Judge to provide for first election.

First election,
how con-
ducted.
Who to vote.

7. The said election shall be conducted in the same manner as is provided for Municipal elections in Ontario, and the persons qualified to vote at said election shall be the male British subjects of the full age of twenty-one years and being householders.

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Five Council-
lors to be
elected.

8. At said election there shall be elected five Councillors, with the same qualification as Voters.

Declaration.

9. After the said election the said Returning Officer shall return to the said Judge the result of the same, and the said Judge shall, as soon as may be convenient thereafter, by public notice, declare the names of the persons so elected, who shall forthwith enter upon the duties of their office; and the said Municipality shall from thenceforth be known as the "Corporation of the Municipality of _____," and the said Councillors shall hold and continue in office until their successors are elected, as hereinafter provided.

Name of Mu-
nicipality.

First meeting
of Council.
Appointment
of Chairman.

10. The said Councillors shall, at their first meeting, which shall be fixed by the said Judge, before entering upon their duties, elect one of their number as Chairman; and the said Returning Officer shall preside at the first meeting.

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Appointment
of Clerk,
Treasurer, and
Collector.

11. The said Councillors shall, at their first meeting, or as early as possible thereafter, appoint a Clerk, Treasurer and Collector, who shall hold office until removed or dismissed by said Councillors; and the said Councillors shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose.

Appointment
of Assessors.
Assessment
rolls.

12. The said Council shall, as early as convenient after their first meeting, appoint one or more Assessors, who shall enter upon a roll to be provided for that purpose the names of all the freeholders and householders in said Municipality, and the amount of all the real and personal property owned by them respectively, and the actual value thereof, and at the same time entering on said roll whether the owners are resident or not; and the said Assessor or Assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident, by leaving the same at the nearest Post Office, stating in such notice the particulars of said assessment.

Rolls to be re-
turned to
Clerk.

13. The said roll shall be returned to the Clerk of the Municipality within such time as shall be provided for by a by-law to be passed by said Council.

Appeal
against assess-
ment.

14. The person or persons so assessed, if he shall complain of his assessment, shall, within one month after the time fixed for returning said roll, notify, in writing, the Clerk of his grounds of complaint.

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Council to
hear and de-
termine ap-
peals.

15. The said Council shall, within two months after the time fixed for returning the roll, appoint a time and place for hearing said complaints, and shall, after hearing the parties complaining as well as the assessor or assessors, and such evidence as may be adduced, alter or amend the roll accordingly, and such decision shall be considered as final.

16. The said roll, so finally revised, shall be taken and held as the roll of the Municipality, for all purposes, until a new roll shall have been made and returned as hereinafter provided. Roll of the Municipality:

17. The said Council shall, by by-law, fix the time for making the assessment in the Municipality at periods of not less than one, nor more than three years; Provided always, that the year for the purposes of this Act, shall be considered as commencing on the first day of July in each and every year. Council to fix time for making assessment.

18. The Council may, in each and every year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll, of not more than two cents on the dollar, to provide for all the necessary expenses of said Municipality, and also such sum or sums as may be found expedient for the purposes mentioned in the next section of this Act. Council to levy rates.

19. The said Council shall have power to pass by-laws for such purposes as are provided for, regarding Townships under the Municipal Institutions Acts of Ontario. Council to pass certain other by-laws.

20. The said Council shall, by by-law, fix the time for the Collector making his return, and the said Collector shall have the same powers as are conferred on Collectors by the said Municipal Institutions Acts of Ontario. The Collector, his returns and powers.

21. The second election of Councillors shall take place on the first Monday in July in the second year after the first election, and every subsequent election on the first day of July in each and every year thereafter; and the said Council shall, by by-law, fix the place for holding the said election, and shall also name the Returning Officer to preside at said election, and the said election shall be conducted in the same manner as is provided for Township elections in Ontario. Second elections of Councillors.

22. The person qualified to vote at every election after the first, shall be the resident male freeholders and house holders of said Municipality whose names appear in the last revised Assessment Roll, of the full age of twenty-one years, and naturalized, or natural born subjects of Her Majesty, and the said Roll shall be taken to be final and conclusive, so far as the qualification of electors is concerned. Who qualified to vote.

23. The persons qualified to be elected as Councillors in said Municipality after said first election, shall, in addition to the qualification required for voters, be assessed in the said Assessment Roll, for at least two hundred dollars freehold, or four hundred dollars leasehold. Qualification of Councillors.

24. If any dispute shall arise as to the said election, or the mode of conducting the same, it shall be the duty of the said Judge to decide the same, and the same proceedings shall be taken as are provided in the Municipal Institutions Acts of Ontario. Judge to decide disputes as to elections.

25. If any dispute shall at any time arise as to the validity of any by-law, or resolution, or order of the Municipality, the same shall be referred to the Judge of the District, whose duty it shall be to decide the same, and the same proceedings shall be taken as are provided in the Municipal Institutions Acts of Ontario. Judge to decide disputes as to validity of by-laws, &c.

decision thereon shall be final, and the said Judge shall have the power of enforcing his decision, if necessary, by a writ or writs under his hand and seal, to be directed to the Sheriff of the said District, adapted to the purposes intended.

26. In case the seat of any member of the Council shall become vacant by death, resignation, or a continued absence from meetings of the Council, for a period of six months, it shall be the duty of the Council to direct a new election to be held, for the purpose of supplying such vacancy. 5

Vacancy in Council, how filled.

27. The Chairman of the said Council shall preside at all meetings thereof, and in the event of his absence, the Council shall choose from among their number, a person to preside, and in such case, the said person so presiding, shall have all the powers and exercise all the functions appertaining to the Chairman. 15

Chairman to preside.

28. The Councillors of the Municipality shall be *ex-officio* Justices of the Peace, and shall have the like powers as are exercised by Justices of the Peace in the Province of Ontario.

Councillors to be Justices of the Peace.

29. The Council shall have the power to pass by-laws regulating and limiting the number of licenses for the sale of intoxicating liquors, for appointing an Inspector, and for enforcing their said by-laws and regulations. 20

Council to regulate tavern licenses.

30. The said Council may establish and maintain a lock-up house, within the Municipality, and may establish and provide for the salary or fees to be paid the Constable to be placed in charge of such lock-up house; Provided, always, that the appointment of said Constable shall be ratified by the Judge of the said District; and the said Council shall have power to remove or suspend such Constable for neglect of duty or other misconduct. 30

Council to establish a lock-up.

31. The said Council shall have the power to appoint one or more Constables, within the Municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to Constables in Ontario; and the said Council shall have the power, from time to time, to remove the same, for any misconduct in their office, and shall also regulate the fees to be paid said Constables; Provided, always, that such appointment, and tariff of fees, shall be subject to the approval and ratification of the Judge of the said District. 40

Council to appoint Constables.

32. In addition to the powers conferred upon said Municipality by this Act, the following sections, with their sub-sections, of the Municipal Institutions Act of Ontario, chapter fifty-one, of the twenty-ninth and thirtieth Victoria, shall be applicable to the said Municipality, so far as they can be adapted to the same, viz: 45

Certain sections of 29 & 30 V. c. 51 to apply.

“Sections one hundred and fifty-two, one hundred and sixty-one, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty-one, one 50

hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and ninety-three, one hundred and ninety-four, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and ten, two hundred and eleven, two hundred and eighteen, two hundred and forty-six, two hundred and sixty-nine, three hundred and thirty-eight, three hundred and thirty-nine, three hundred and fifty-four, four hundred and twenty."

- 10 **33.** It shall be the duty of the Sheriff of the District of
 Algoma, within six months after the passing of this Act, to
 cause a list to be taken of all the freeholders and householders
 in the said District, and file the same in the office of the Clerk
 of the Peace, subject to such rules and regulations as may be
 15 provided and made by the Lieutenant-Governor in Council.

- 34.** The persons entitled to vote at the Parliamentary Elec-
 tions for the Province of Ontario, shall be the resident house-
 holders of said District and the freeholders, whether resident
 or not, whose names shall have been duly entered upon the
 20 lists taken by the said Sheriff and filed in the office of the Clerk
 of the Peace, except the Indians belonging to tribes, and Indians
 in receipt of Government aid or bounty.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to establish Municipal Institutions
in the District of Algoma.

1st Reading, Dec. 3rd, 1868.

MR. CUMBERLAND.

TORONTO:

PRINTED BY HUNTER, ROSE & CO.

An Act to place the Wesleyan Methodist Church and Parsonage Property, in the Township of Ancaster, in the County of Wentworth, under the directions and provisions of the "Model Deed" of the Wesleyan Methodist Church in Canada, in connexion with the English Conference, for the better management thereof.

WHEREAS certain of the Trustees of and others, members of the Wesleyan Methodist Church, in the Township of Ancaster, in the County of Wentworth, have by their petition set forth that they are desirous of changing the title to the lands and property now held in trust by the said Trustees, for the uses and purposes of said church, in the manner in and by the deed of conveyance thereto duly set forth and contained, and are further desirous that the Church and Parsonage property aforesaid may be placed under the directions and provisions of a deed known as the "Model Deed" of the said Denomination of Wesleyan Methodists, and bearing date the twenty-fourth day of May, one thousand eight hundred and fifty, and made between Joseph Bloor, of the Village of Yorkville, in the County of York, gentleman, of the first part, and Sarah Bloor, his wife, of the second part, and the Trustees of the said Wesleyan Methodist Church, in Canada, of the third part, and registered in the Registry Office for the County of York, on the twenty-fifth day of May, one thousand eight hundred and fifty, recognized as such "Model Deed," a copy whereof is inserted in the Book of Discipline of the said Wesleyan Methodist Church in Canada, in connexion with the English Conference, published by the Rev. Anson Green, at Toronto, in the year first mentioned.

And it is expedient to grant the prayer of the said petition.

Her Majesty therefore, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. From and after the passing of this Act, that portion of lot number thirty-seven, in the fourth concession of the said township of Ancaster, mentioned and described in the deed of conveyance aforesaid, as such church and parsonage property, more particularly described as follows:—Commencing on the front limit of said lot number thirty-seven, eight chains westerly from the northeast angle thereof, thence south thirteen degrees east two chains, thence south seventy-seven degrees west two chains and fifty links, thence north thirteen degrees west two chains to the front limit of said lot, thence north seventy-seven degrees east two chains and fifty links more or less to the place of beginning, shall be vested in Daniel Shaver, Orange Lawrence House, David M. Lee, Jacob A. Shaver and Egerton Shaver, as trustees, duly mentioned and described as trustees in the said deed of conveyance first herein mentioned.

Habendum.

Subject to
certain powers.

Saving prior
rights.

To have and to hold the said church and parsonage property by the name of the "Trustees of the Ancaster Congregation of the Shaver Settlement Wesleyan Methodist Church, in connexion with the English Conference," in trust, and for the purposes and under the directions and provisions of the "Model Deed" aforesaid, for such and the same ends, uses, intents and purposes, and with, under, and subject to such and the same powers, provisions, declarations and agreements, and to be controlled, disposed of, and managed by the like authorities, officers, trustees and persons appointed, and to be appointed and acting in the same manner, and with the same duties, powers, liabilities and restrictions, in every particular and respect as are expressed, contained and declared, or referred to in the said "Model Deed," saving always such rights as may have been acquired by any person or corporation prior to the passing of this Act.

2. It shall be lawful for the trustees of the Ancaster Congregation of the Shaver Settlement Wesleyan Methodist Church aforesaid, in accordance with the provisions and under the restrictions of the said "Model Deed" to mortgage the said Church and Parsonage property for the purposes set forth in the said "Model Deed," and none other whatsoever.

[No. 101.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

To enable the Trustees of the Wesleyan Methodist Church of the Shaver Settlement in the Township of Ancaster, to hold their Church Property under the "Model Deed" of the Wesleyan Methodist Church of Canada.

PRIVATE BILL.

1st Reading, February 6th, 1868.

MR. SEXTON.

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No. 102.]

BILL.

[1868.]

An Act to amend Chapter fifty-two of the Consolidated Statutes of Upper Canada, intituled "An Act respecting Mutual Insurance Companies."

WHEREAS it is expedient to amend Chapter fifty-two of the Consolidated Statutes of Upper Canada, respecting Mutual Insurance Companies: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.

Con. Stat. U. C.
c. 52 amended.

1. The Board of Directors of any Mutual Fire Insurance Company may annually elect one of their number as Vice-President, who, in the absence of the President, shall perform all the duties and the functions of the President; and in the event of the absence of both of said officers, the Board may appoint from among their number a person temporarily to preside at their meetings, and to perform the duties of such President and Vice-President.

Election of a
Vice-President.

2. Whenever an Assessment is made on any premium note given to any Mutual Insurance Company for any risk taken by the Company, or as a consideration for any policy issued or to be issued by the Company, and an action is brought to recover such assessment, the Certificate of the Secretary of the Company, specifying such assessment and the amount due to the Company on such note by means thereof, shall be taken and received as *prima facie* evidence thereof, in all Courts and places whatsoever.

Certificate of
the Secretary
to *prima facie*
evidence.

3. The cash premium paid at the time of insurance shall in no case be held to be part of the annual assessment.

Cash premium
not to form
part of assess-
ment.

4. The Directors of any Mutual Insurance Company may make arrangements with any other Mutual Insurance Company for the re-insurance of risks on such conditions with respect to the payment of premiums thereon as may be agreed upon between them.

Re-insurance.

5. When Policies of Insurance are issued, and Premiums in cash collected thereon, for periods of one year, as by law provided, the persons so paying in cash shall not be liable to any further charge or assessment whatever; nor shall they be held to be members of the said Company in any respect.

Persons paying
cash premiums
not further
liable.

6. The Company may form a reserve fund to consist of all moneys which shall remain on hand at the end of each year after payment of the ordinary expenses and losses of the said Company, and for that and for other purposes of the Company, the Directors may levy an annual assessment on the premium notes held by said Company, and such reserve fund may, at the option of the Directors, be applied either to pay off the Guarantee Stock, if any, of the said Company, or to pay such other liabilities thereof as cannot be provided for out of the ordinary receipts for the same or any succeeding year; Provided that such reserve fund shall be invested in debentures

Reserve Fund.

Application
thereof.

Investment thereof. or other securities of the Government of the Dominion of Canada or in real estate.

Renewal of Debentures, &c. 7 It shall be lawful for any Mutual Insurance Company to renew any debentures, promissory notes, bills or drafts which it may have issued, for any term or terms not exceeding one year; Provided always, that the indebtedness created by the original debentures, promissory notes, bills or drafts shall within two years from the creation of such indebtedness be paid off as provided by chapter fifty-two of the Consolidated Statutes of Upper Canada, section sixty.

Proviso. Con. Stat. U.C. c. 52, s. 60. Notices of assessment 8. In addition to the notices, now required to be published, it shall be the duty of every Mutual Insurance Company to mail to the person assessed, at his or her Post Office address, (as given at the time of the Insurance being affected or thereafter,) a notice containing the particulars of the assessment against such person.

Annual statement required. 9. Every Mutual Insurance Company shall make, and furnish, to the Lieutenant-Governor, and to the Legislative Assembly of the Province of Ontario, during the first fifteen days of the first Session, in each and every year, a full and unreserved statement of the affairs of the said Company, and of its funds, property, and securities, shewing:—

1. The cash in hand.
2. The amount and value of real estate.
3. The amount on bonds and mortgages.
4. The amount in public debt or other stock.
5. The amount not then assessed of premium notes.
6. The amount assessed of premium notes and unpaid.
7. The amount of risks outstanding.
8. The amount of losses unpaid.
9. The amount due by the Company on securities given by it.

Inconsistent acts repealed. 10. All portions of the said Act, which are inconsistent herewith, are hereby repealed.

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No. 103.]

BILL.

[1868.

An Act for the conversion of the ordinary Bonds and Old Stock of the Brockville and Ottawa Railway Company into reduced New Stock, and for other purposes.

WHEREAS, under and by virtue of a certain Act of the Parliament of the former Province of Canada, passed in the twenty-seventh year of the reign of Her Majesty, Queen Victoria, entitled "An Act for the reorganization of the Brockville and Ottawa Railway Company, and to authorize the issue of Preferential Bonds for certain purposes," Sixty thousand pounds sterling, Preferential Extension Bonds were issued by the said company, and to secure the repayment of the same with interest, a certain mortgage was executed by the said company to certain trustees for the further security of the holders of the said Preferential Extension Bonds.

Preamble.

27th Vic. c.60.

And whereas owing to alleged default in the payment of interest on said Bonds, the trustee, under said mortgage, has taken possession of the Railway of said company and assumed the management thereof, and has further claimed and was about to enforce the rights to foreclose and sell the said Road in consequence of such default.

Mortgage Trustee in possession.

And whereas under the said Act all the outstanding liabilities of the said company therein mentioned, have been converted, or are convertible, into ordinary bonds of the said company, ranking next after said Preferential Extension Bonds.

Liabilities convertible.

And whereas the preferential bondholders are also, to a large extent, holders of ordinary bonds.

Preferential bondholders.

And whereas the interest on ordinary Bonds is accumulating and a financial re-organization of the affairs of the company is sought.

Interest on bonds.

And whereas it has been mutually agreed by and between the said preferential bondholders and a large majority in value of the ordinary bondholders and by three-fourths in value of the shareholders, that such re-organization shall be carried into effect upon the terms set forth in the following memorandum :

Agreement.

"1st. The present stock and all the bonds of the company, except the Preferential Extension Bonds, to be converted into new stock by the holders thereof, at the following reduced rates, viz :

"(a) Bonds, other than Preferential Extension Bonds, at twenty five cents in the Dollar, with the exception of those now held by persons who are also at this date preferential bondholders, these latter to have the privilege of converting the ordinary bonds held by them at this date, into new stock, at fifty cents

Recital agreement.

in the Dollar, but this privilege not to extend to bonds purchased by them, subsequently to the passing of the Act of one thousand eight hundred and sixty-three, before mentioned.

“(b) The old paid up stock to be converted into new stock at ten cents in the Dollar.

“(c) The capital of the company to be reduced to the amount of new stock required for such conversion, and in return for the privilege conceded to the Preferential Bondholders.

“2nd. The management of the road to be restored by the Preferential Bondholders and their Trustees, to the company, and the alleged rights of the Preferential Bondholders to foreclose and sell the road, to be waived, and for ever extinguished, without prejudice to their holding the first charge on the road and on its revenues, next after the municipalities with all other legal remedies for the recovery of their interest and principal.”

And whereas an Act of the Legislature is required to carry the said recited agreement into full effect.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

Capital stock reduced. 1. The Capital Stock of the said Company is hereby reduced and fixed at the sum of five hundred thousand dollars, or such other sum, more or less, as shall be sufficient to cover the outstanding ordinary Bonds, and claims against the said Company convertible into such, and the presently existing paid up Stock of the Company converted at the rates aforesaid, and the Capital Stock of the said Company shall not be increased beyond the amount so required for the conversion aforesaid.

Bonds converted into stock at 50 cents in \$1. 2. Such ordinary Bonds, with their overdue Coupons, of the said Company as are held by the preferential Bondholders, shall be converted into new paid up stock, in the hereinbefore mentioned capital of the said Company, at the rate of fifty cents in the dollar, on the amount of such ordinary Bonds and Coupons; but no ordinary Bonds which may have been purchased by the preferential Bondholders since the passing of the last recited Act of one thousand eight hundred and sixty-three, shall be entitled to conversion at a higher rate than twenty cents in the dollar.

Do. at 25 cents. 3. The remaining outstanding ordinary Bonds with their overdue Coupons of the said Company, not held as in the last preceding clause mentioned, shall be converted by the holders thereof into new paid up stock in the capital aforesaid, at the rate of twenty-five cents in the dollar on the amount of said Bonds and Coupons.

Old stock at 10 cents. 4. The old paid up Stock of the said Company shall be converted by the holders thereof, into new paid up Stock in the Capital aforesaid, at the rate of ten cents in the Dollar on the amount of such old paid up Stock.

Issue of new paid up Stock. 5. The new paid up Stock hereinbefore provided for shall be issued in Shares of Twenty Dollars each, any number of

which may be included in a Certificate, and shall, and may be transferable in such manner, and at such time and place as may be fixed by the Directors of the Company by By-law or regulation in that behalf, and in the conversion hereinbefore provided of ordinary Bonds, holders of claims against the said Company, which by the terms of the said recited Act are convertible into such Bonds, shall be deemed and taken to be actual holders of such Bonds, and in converting into new Stock, Bonds, overdue Coupons or old Stock convertible under this Act, Scrip may be issued for any sum which falls short of being a full Share, and Scrip so issued may be transferable, and convertible into Shares in such manner as may be directed by any such By-law, and until the conversion thereof, the holders of such Scrip shall be entitled to the same proportionate rights and privileges as if new Stock of equal amount were held by them.

6. The conversion of Bonds and overdue Coupons and Stock hereinbefore provided for shall take effect immediately after the passing of this Act, and the management and possession of the said Railway undertaking shall, within four weeks thereafter, be given up and restored by the Trustees of the Preferential Bondholders aforesaid to the said Company, its Directors, servants and agents.

Time when
conversion to
take effect.

7. From and after the passing of this Act the present ordinary Bondholders, Couponholders and Shareholders of the said company shall have no claim upon the said company at Law or in Equity in respect of said Bonds, Coupons or Shares, or any proceedings had thereon except for conversion of the same into such new stock and at the respective rates as hereinbefore provided, and the company shall on request of such ordinary Bondholders, Couponholders and Shareholders, or any of them, and upon surrender of the Bonds and Shares, certificates, or other evidence of such holding or claim thereto, issue to all and every such holders or holder, certificates of proprietorship of fully paid up shares in the new stock proportionate to the amount of Bonds, Coupons or Shares so respectively surrendered at the respective rates of conversion aforesaid such new shares being free from all calls in respect thereof.

Restrictions as
to old Bond
and Share-
holders.

8. From and after the passing of this Act the preferential Bondholders, Couponholders, or their Trustee under the said recited mortgage shall not have or claim any right at law or in equity to foreclose, sell, lease, or otherwise dispose of the said railway of the company or its franchises anything in the said Act hereinbefore recited, or the said mortgage to the contrary notwithstanding; nor shall it be lawful for the said company at any time hereafter to grant any such right to the said Preferential Bondholders or any person or persons on their behalf.

Restrictions on
preferential
Bondholders.

9. Such extinguishment of the claim of the said Preferential Bondholders to foreclose, sell, lease or otherwise dispose of the said Railway shall not in any wise prejudice or injuriously affect the other rights or remedies of the said Preferential Bondholders and their said Trustee under the said mortgage; and as incumbrances upon the said undertaking to enforce payment of said Preferential Bonds or any of them, both as to principal and interest by all lawful or equitable means consistent with the Act hereinbefore first recited, and the said mortgage otherwise than by foreclosure, sale, lease or other

Other rights of
preferential
Bondholders
reserved.

similar disposition of the said Railway and its franchises, and amongst other rights and remedies, the said Preferential Bondholders and their Trustee may apply for and obtain from the Court of Chancery a Manager and Receiver of the said Railway undertaking.

10. That hereafter the annual meeting for the Election of Directors shall be held on the second Wednesday of August in every year, and so much of the ninth clause of the Act of one thousand eight hundred and sixty-three, before mentioned, as is inconsistent with this clause, is hereby repealed.

Certain claims
not affected.

11. Nothing in this Act contained shall be deemed to alter, vary or in anywise affect the claims of the Corporations of the United Counties of Lanark and Renfrew, of the Town of Brockville and of the Township of Elizabethtown upon the said Railway, nor any claim, right or title of the Crown in the premises.

BILL.

An Act for the conversion of the ordinary Bonds and old Stock of the Brockville and Ottawa Railway Company, into reduced new Stock, and for other purposes.

PRIVATE BILL.

1st Reading, February 12, 1868.

2nd Reading, Feb. , 1868.

Mr. R. W. SCOTT.

TORONTO:

PRINTED BY SAMUEL BEATTY.

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No. 104.]

BILL.

[1868

An Act to vest the Estate of the late George Paxton,
in Trustees.

WHEREAS HANNAH PAXTON, of the Township of Reach,
in the County of Ontario, in the Province of Ontario, in
the Dominion of Canada, Widow of George Paxton, late of
the said Township of Reach, acting in the name and on be-
half of herself and William Clarke Paxton, Charles Paxton,
George Wesley Paxton, Frederick Henry Paxton, Anne Eliza-
beth Paxton, Emma Philena Paxton, and Jessie Paxton, in-
fant children of the said George Paxton and Hannah Paxton,
hath, by her Petition, represented that the said George Paxton,
who died on the day of in the year of our Lord, Petition.
one thousand eight hundred and sixty , was, in his lifetime,
in co-partnership with Thomas Paxton, his brother, in carrying
on the business or calling of Miller and other departments of Copartner-
trade; that the said George Paxton acquired by purchase in ship.
his own name, but for the benefit of the said co-partnership,
by way of venture or speculation certain lands, tenements,
edifices, and hereditaments, within the said Province; that
the said Thomas Paxton also acquired, in like manner, and for
the like purposes, as is shewn in his joining in the said Peti-
tion, certain lands, tenements, edifices, and hereditaments;
that previously to the decease of the said George Paxton no
partnership account had been stated and determined, and no set- Unsettled
tlement had been made between the said deceased and the said partnership
Thomas Paxton, with respect to the transactions of the said co- accounts.
partnership; that the said George Paxton died intestate; that Intestacy of
in consequence of the minority of the said children, and their G. Paxton.
consequent legal incapacity to do all matters and things neces-
sary to the proper adjustment and conduct of, and dealing with, Minority of
the said estate, it has become necessary to vest in the hands of children.
Trustees, all the real and personal estate of what nature soever, Appointment
of which the said George Paxton died seized or possessed or of trustees.
entitled to, with power to sell, dispose of, divide, and partition
the same, or any part thereof, and make conveyances of the
same, and with the proceeds of such sales to pay and discharge
all incumbrances due thereon, to satisfy all liabilities and
claims due, owing, and payable on account of the said estate,
and to adjust and settle all matters and things pertaining to
the said co-partnership, and to hold and divide the residue of
the said estate, according to the respective shares of the said
widow and children, as by law provided. And, whereas, in or-
der to obtain the above recited powers it would be necessary to
make repeated applications to the Court of Chancery, and so
create delays and great expense. And whereas the said Tho-
mas Paxton, William Tate, John Nott, Joseph Begelow, and
others, have joined in the said Petition, and represented that
it would be for the benefit of the said widow and children that
the said estate should be vested in the hands of Trustees autho-
rized to act, with the powers hereinbefore described.

Therefore Her Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

Estate of G. Paxton vested in certain trustees. 1. All and singular the lands, tenements, hereditaments, goods, chattles, estate, and effects real as well as personal, which were held by the said George Paxton at the time of his decease, shall be, and the same are hereby vested in

Upon certain trusts. in the like estate, as the same were held by the said George Paxton, in his lifetime; upon trust, nevertheless to hold; lease, demise, alien, sell, dispose of, convey, and assure the same from time to time, either together or in parcels, either by private sale or public auction; to transfer, make over, divide, and partition the same; to demand, receive, sue for, and by process of law, recover the same, in such manner as the said or the Trustees for the time being may think fit, and for such purpose to make good, valid, and effectual deeds, conveyances, assurances, assignments and leases, of the same, in the same manner as the said George Paxton might or could have done, in his lifetime, and to take the proceeds of such Sales, and such moneys as belong and appertain to the said personal estate, and to pay and distribute such proceeds and moneys in the discharge of all incumbrances due thereon, in payment and liquidation of all claims due, and owing, and the residue of such real and personal goods and chattels, moneys and proceeds

Payment of claims. of sale to partition and divide between and amongst the said Hannah Paxton, Widow of the said George Paxton, and William Clarke Paxton, Charles Paxton, George Wesley Paxton, Frederick Henry Paxton, Anne Elizabeth Paxton, Emma Philena Paxton, and Jessie Paxton, sons and daughters of the said George Paxton, and Hannah, his Widow, respectively, according to their respective shares and proportions, as by law is established and provided.

Disposal of residue.

Appointment of new trustees in case of death or incapacity. 2. In case of the death of any, or either, of the Trustees hereby appointed, or hereafter appointed, by authority of this Act, before the final execution of the powers and trusts above-mentioned, or of his or her becoming incapable of executing such powers and trusts it shall be lawful for the Judge of the County Court then being or having jurisdiction within the county of Ontario, on the application of the surviving or remaining Trustee or Trustees, to nominate and appoint some fit and proper person to act in the place of each such Trustee or Trustees so dying, or becoming incapable, as aforesaid, as Trustee of the Estate of the said George Paxton under this Act, and with the powers conferred herein.

W. C. Paxton on attaining his majority to be a trustee. 3. William Clarke Paxton, eldest son of the said George Paxton, deceased, shall, on his attaining the full age of twenty-one years, be a Trustee of the estate of his late Father, under this Act, with the powers conferred herein.

Indemnity of purchasers, &c. 4. No mortgage purchaser, alienee, or leasee, shall be required to see to the application of the purchase money, rents, or other considerations in respect of any sale, mortgage, lease or other disposition made under this Act.

[No. 104.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

To vest the Estate of the late George
Paxton in trustees.

PRIVATE BILL.

1st Reading, February 12, 1868.

MR. RYKERT.

TORONTO :

PRINTED BY SAMUEL BEATTY

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No. 105.

BILL.

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1868.

An Act to amend the Law relating to purchases of Reversions.

WHEREAS it is expedient to amend the Law as administered in Courts of Equity with respect to purchases of Reversions. Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. In construing this Act, the word "purchase" shall mean any kind of contract, conveyance or assignment, under or by which any kind of property may be acquired. Purchase—
what it shall
mean.

2. In case any purchase heretofore made of any reversionary interest in Real or Personal Estate shall hereafter be sought to be opened or set aside on the ground of undervalue, the onus of proving undervalue shall lie upon the plaintiff. *Onus probandi*
of undervalue
to lie on
plaintiff.

3. No purchase hereafter made *bona fide*, and without fraud, of any reversionary interest in Real or Personal Estate, shall be opened or set aside on the ground of undervalue. Purchases
hereafter not
affected by
undervalue—
only.

4. This Act may be cited for all purposes as "The purchases of Reversions Act, (1868)." Title of the
Act.

[No. 105.]

1st Session, 1st Parliament, 31st Victoria, 1868.

AN ACT

To amend the Law relating to purchases of Reversions.

First Reading, February 12, 1868.

Mr. BLAKE.

TORONTO:

PRINTED BY SAMUEL BEATTY.

An Act to amend the Municipal Institutions Act of Upper Canada, twenty-nine and thirty Victoria chapters fifty-one and fifty-two.

HER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. Sub-section one of section twenty-six; sub-section three of section sixty-six; sections seventy-three, seventy-five, seventy-six, eighty, eighty-one and eighty-eight; sub-section eight of section one hundred; sub-sections, one, two, four and six of section one hundred and one; sections one hundred and twenty-four and one hundred and sixty-five; sub-sections seven and eight of one hundred and ninety-six; sub-section seven of two hundred and forty-six, and sub-section two of two hundred and eighty-two, of the Acts passed in the twenty-ninth and thirtieth years of Her Majesty's reign, chapters fifty-one and fifty-two, are hereby repealed; and the following sections and sub-sections shall be, and are hereby substituted in lieu of said sections and sub-sections hereby repealed, and shall be taken and read as the said sections and sub-sections of the said Municipal Acts, viz. :

Certain sections
of 29 & 30 V.,
cap. 51
repealed.

2. In lieu of sub-section one of section twenty-six the following:—

“After the final passing of the By-Law, the amount which the Town is to pay to the County for the expenses of the administration of justice, the use of the Gaol, and the erection and repairs of the registry office and for providing books for the same, and for services for which the County shall be liable, as required by and under the provisions of any act respecting the registration of instruments relating to lands, as well as for the then existing debt of the County, if not mutually agreed upon, shall be ascertained by arbitration under this act, and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the County, and the number of years the payments for the debt are to be continued.”

New sub-section
1 of section
26.

3. Sub-section five of section twenty-six is amended by adding to the end thereof the following words: “the erection and repairs of the registry office or offices, and for providing books for the same, and for services for which the county shall be liable, as required by and under the provisions of any act respecting the registration of instruments relating to lands.”

Sub-section 5
of Section 26
amended

4. Section twenty-nine is amended by adding to the end thereof the following:—

“Or in case two-thirds of the resident freeholders and householders of one or more junior townships petition the Council of the County to be separated from the union to which they belong, and to be attached to some other adjoining municipality, and in case said Council consider the interests and convenience of the inhabitants of such township or townships would be promoted thereby, they may by by-law, separate such township or

or townships from said union, and attach them to some other adjoining municipality."

**Section 48
amended:**

5. Section forty-eight is amended by adding to the end thereof the following proviso:—"Provided also that nothing in this Act shall prevent any Senior County from which the Junior County may have been separated before the passing of this Act from paying over to the Junior County its proportion of the assets belonging to the United Counties at the time of the separation."

New sub-section 3 of section 66:

6. In lieu of sub-section three of section sixty-six, as amended, the following is substituted:

"The Council of every town shall consist of the Mayor, who shall be the head thereof, and of three Councillors for every ward, one of whom shall retire annually in rotation as provided by twenty-nine and thirty Victoria, chapter fifty-one, section eighty-eight and if the town has not withdrawn from the jurisdiction of the Council of the County in which it lies, then a Reeve shall be added, and if the town had the names of five hundred freeholders and householders on the last revised assessment roll, then a Deputy-Reeve shall be added, and for every additional five hundred names of persons possessing the same property qualification as voters on such Roll, there shall be elected an additional Deputy-Reeve; Provided, always, that in towns where there are five wards, the whole of the Councillors shall be re-elected next January, and they shall retire annually, in rotation, by ballot, as provided for in sections eighty-eight and ninety of the said Act."

**Section 70
amended.**

7. All that portion of section seventy which relates to the qualification of Aldermen in cities is repealed and the following substituted in lieu thereof:

"And in cities, for Aldermen, Freehold to three thousand dollars, or Leasehold to six thousand dollars."

New section 73:

8. In lieu of section seventy-three as amended the following:—
"No Judge of any court of civil jurisdiction, no Gaoler or Keeper of a House of Correction, no Sheriff, Deputy Sheriff, Sheriff's Bailiff, High Bailiff, or Chief Constable of any city or town, Assessor, Collector, Treasurer, Chamberlain or Clerk of any municipality, no Bailiff of any Division Court, no County Attorney, no Registrar, no Deputy Clerk of the Crown, no Clerk of the County Court, no Clerk of the Peace, no Innkeeper or Saloon-keeper, and no person having by himself or his partner an interest in any contract, with or on behalf of the Corporation, shall hereafter be qualified to be a member of the Council of any Municipal Corporation; Provided always that no person shall be held to be disqualified from being elected a member of the Council of any Corporation by reason of his being a shareholder in any Incorporated Company, having dealings or contracts with the Council of such Municipal Corporation, or by having a lease of twenty-one years or upwards, of any property from the Corporation, but any such leaseholder shall not vote in the Corporation on any question affecting any lease from the Corporation."

New section 75.

9. In lieu of section seventy-five as amended the following:—
The electors of every municipality for which there is an assess-

ment roll, and the electors of every police village, shall be the male freeholders thereof, whether resident or not, and such of the male householders and tenants thereof, as have been resident therein, for one month next before the election, who are natural born or naturalized subjects of Her Majesty, and of the full age of twenty-one years, and who were severally rated on the last revised assessment roll, for real property, in the municipality or police village, held in their own right or that of their wives, as proprietors, householders, or tenants, and such rating shall be absolute and final, and shall not be questioned, either by any Returning Officer, on any application to set aside any election under this or any Act respecting the municipal institutions of Ontario."

New Section
76.

10. In lieu of section seventy-six the following:—

"In Cities, Towns, Townships and Incorporated Villages, such, real property, whether freehold or leasehold, or partly each must have been so rated as of at least the actual value following:—

"In Cities, five hundred dollars.

"In Towns, three hundred dollars.

"In Incorporated Villages, two hundred dollars.

"In Townships, one hundred dollars.

"In Police Villages, one hundred dollars."

11. In lieu of section eighty the following:

New section
80.

"When any real property is owned or occupied jointly, by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated."

12. In lieu of Section Eighty-one the following:

New section
81.

Every male person entered on the then last revised assessment roll for every County, City, Town, Village or Township as the owner or occupant of real property of the actual value—in Cities of five hundred dollars; in Towns of three hundred dollars; in incorporated Villages of two hundred dollars; and in Townships of two hundred dollars, shall be entitled to vote at all Parliamentary elections, subject to the provisions of the Act chapter six, of the Consolidated Statutes of Canada, except sub-sections numbered one and two of section four of the said Act, which are hereby repealed, so far as they relate to Ontario."

Con. Stat. Ca.,
c. 6, s. 4, sub-
sec. 1 and 2,
repealed.

13. Sub-section three of section one hundred is amended as follows:

Sub-section 3
of section 100
amended.

"In the second line strike out the words "and a poll be demanded by any Candidate or Elector."

14. Sub-section seven of section one hundred is amended as follows:

Sub-section 7
of section 100
amended.

"In the third line strike out the word "Township."

New sub-section 8 of section 100.

15. In lieu of sub-section eight, of section one hundred, the following:

"The Clerk of the Township, Incorporated Village or Police Village, (or person so appointed as Chairman, as aforesaid) shall add up the votes set down for each candidate on the respective poll books, and ascertain the aggregate number of votes, and shall on the day following the election, put in some conspicuous place at the Town-Hall, or other place where the nomination was held, the state of the poll, with the number of votes received by each candidate, and a certificate annexed to the said statement, under his hand and seal, shewing the successful candidate or candidates."

New sub-section 1 of section 101.

16. In lieu of sub-section one, of one hundred and one, the following:

"A meeting of the electors shall take place for the nomination of candidates for the offices of Aldermen in cities, and of Councillors in towns, at noon, on the last Monday, but one, in December, annually, in each ward thereof, at such place therein as shall, from time to time, be fixed by By-law of the said city or town councils."

New sub-section 2 of section 101.

17. In lieu of sub-section two, of section one hundred and one, the following:

"The said Council shall respectively, by their said By-law, name the Returning Officer for each Ward, who shall preside at the nomination of candidates, or in his absence, a Chairman to be chosen by the meeting shall preside, and the Returning Officer shall give, at least six days, notice of such meeting."

New sub-section 4 of section 101.

18. In lieu of sub-section four, of section one hundred and one, the following:

"If more than the necessary number of candidates be proposed, the Returning Officer, or Chairman, shall adjourn the proceedings until the first Monday in January, when a poll, or Polls, shall be opened at such place, or places, as shall be fixed by the said By-law of the said Councils, respectively, for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer; and where there are two or more Electoral Divisions, in any ward, the said Council shall, by by-law, fix the places for holding the election, and also name the Returning Officers who shall preside at the respective polling places."

New sub-section 6 of section 101.

19. In lieu of sub-section six of section one hundred and one, the following:

"The Clerk of every Town or City shall provide the Returning Officer of every Ward, or Electoral Division, with a poll book, and shall enter in such book, in separate columns, the names of the Candidates proposed, and seconded, at the nomination, and the Returning Officer shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column in which is entered the name of a Candidate voted for by a voter, set the figure '1' opposite the voter's name."

20. Section one hundred and five is amended, by adding after the word "year," in the second line, "and the Clerk of the Council shall preside at such election." Section 195
amended.

21. Section one hundred and eleven is amended as follows : Amendment
of 111.

In the second line strike out the words "and if a poll is demanded."

22. In lieu of section one hundred and twenty-four, the following : New section
124.

If, "After the election of any person as member of a Council, he be convicted of felony, or infamous crime, or become insolvent, within the meaning of the Insolvent Acts of one thousand eight hundred and sixty-four and one thousand eight hundred and sixty-five, or he applies for relief as an insolvent debtor, or remain in close custody, or assign his property for the use of his creditors, or he absents himself from the meetings of the Council for three months, without being authorized by a resolution of the Council entered in its minutes, his seat in the Council shall thereby become vacant; and the Council shall declare the seat vacant and order a new election."

23. Section one hundred and fifty-six is amended by striking out the eighth, ninth, and thirteenth lines. Amendment
156.

24. In lieu of section one hundred and sixty-five the following : New section
165.

"The Assessors shall state in their assessment rolls, whether the persons named therein are freeholders, householders or tenants, and shall, in separate columns for this purpose, use the initial letters, F, H, or T, to signify the same respectively."

25. In lieu of number seven of sub-section two of section two hundred and forty-six, the following : Amendment
of No. 7 of
sub-section
2 of section
246.

"(7) And such other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature, or for the removal of such officers : but nothing in this Act shall prevent any member of a corporation from acting as Commissioner, Superintendent, or Overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality ; and it shall be lawful for said municipality to pay any such member of the corporation acting as such Commissioner, Superintendent, or Overseer, in the same manner as councillors are paid, and all payments heretofore made by any municipality to any Commissioner, Superintendent, or Overseer, acting as such, are hereby declared to be legal, but this section shall not in any way affect any judgment already obtained, or any suit or proceeding already commenced."

26. Section two hundred and seventy-one is amended by adding after the word "Council," in the third line, the following words : Section 271
amended.

"Or any Member while attending on Committee of the Council."

Section 272
amended.

27. Section two hundred and seventy-two is amended by adding the words "or from any other source" after the word "Fund," in the third line.

Amendment
section 279.

28. Section two hundred and seventy-nine is amended by inserting the words "and Incorporated Village;" after "Township," in first line.

New sub-section
to section
280.

29. The following sub-section is added to section two hundred and eighty :

"Wherever a stream or creek runs through two or more Townships, and the said stream or creek may have been cleared of all obstructions in one or more of said Townships, it shall be the duty of the Council of the adjoining Township to pass a By-law for clearing or removing any obstruction in said creek or stream within its limits, and to take such proceedings as are mentioned in the foregoing section ; Provided always that such By-law shall be passed and enforced only on the petition of any twelve Freeholders in any Municipality in which any creek or stream has not been cleared."

New sub-section
2 of section
282.

30. In lieu of sub-section two of section two hundred and eighty-two, the following :

"For assessing and levying, in the same manner as taxes are levied, upon the real property to be immediately benefitted by the deepening or draining, a special rate, sufficient to include a sinking fund for the repayment of Debentures, which such Councils are hereby authorized to issue in such cases respectively, to provide funds for such improvements, and for so assessing and levying the same, in the same manner as other taxes are levied, by an annual rate in the dollar on the real property so benefitted, in proportion, as nearly as may be, to the benefit derived by such portion."

Sub-section 3
of section 286
amended.

31. Sub-section three of section two hundred and eighty-six is amended by striking out the words "householder or" in the third line.

Amendment
section 296.

32. Section two hundred and ninety-six is amended as follows :

"In sub-section eleven add to the end thereof the following words: 'Eggs and all articles required for family use, and such as are usually sold in the market.'"

"In sub-section twelve add the word 'butchers,' after 'hucksters,' in second line."

Licenses of
Cabs in cities.

33. The Board of Commissioners of Police in cities shall have the powers vested in City Councils by sub-section thirty-one of section two hundred and ninety-six, instead of said City Council.

Sub-section
47 of 296
amended.

34. Sub-section forty-seven of section two hundred and ninety-six is amended by striking out the words "also to remove the same," in the third line.

35. Section three hundred and one is amended by adding the words "and Town" after "City," in the first line.

Amendment
section 301.

36. The following sub-section is added to section two hundred and sixty-nine.

New sub-section
to section
269.

"For preventing persons from throwing any dirt, filth, carcases of animals or rubbish on any street, road, line, or highway."

37. The following sub-section is added to section three hundred and forty-five:—

New sub-section
to section
345.

"The Corporation of any township or county, wherever minerals are found, may sell, by public auction, or otherwise, the mineral rights to the roads over which said township or county may have jurisdiction, if considered expedient so to do; Provided always that no such sale shall take place until after due notice of such intended by-law has been posted up in six of the most public places in the immediate neighborhood of such road, for, at least, one month previous to the time fixed for considering such by-law; Provided, also, that the deed of conveyance to the purchaser or purchasers, under said by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel."

38. Section three hundred and fifty-seven is amended by adding to the end thereof the following: "Provided always that before any Alderman or Reeve shall act in the capacity of a Justice of the Peace for the city or county, he shall take the same oath of qualification, and in the same manner as is by law required for Justices of the Peace."

Section 357
amended.

39. Section three hundred and seventy-one is amended by adding to the end of the first paragraph the following words:

Amendment of
section 371.

"And such salaries shall be paid half-yearly by the city and town municipalities respectively."

40. Section three hundred and seventy-three is amended by adding the words "upon, admit to bail, discharge prisoner, or otherwise act," after the word "adjudicate."

Section 373
amended.

41. Section three hundred and ninety-seven is amended by striking out all after the word "law" in the ninth line of oath.

Amendment of
section 397.

42. Section four hundred and thirteen is amended, as follows:—

Section 413
amended

Substitute the word "may" for "shall" in the third line, and substitute the word "four" for "two" in the third line. Strike out all after the word "counties" in twelfth line, and substitute the following, "or any city and one or more counties, or any town or one or more counties, may agree to have only one House of Industry or Refuge, for such united or contiguous counties, or city and counties, or town and counties, and maintain and keep up the same in the manner herein provided."

Harbour, &c.

43. Sub-sections one, two, three and four, of section two hundred and ninety-six, are applicable to counties, as well as to cities, towns, and incorporated villages.

Power to exempt.

44. Every municipality shall have the power of exempting from taxation for any period not longer than five years, manufacturers of woollens, cottons, glass, paper, and such other commodities of the like nature.

Licenses in gravel roads &c.

45. The Council of any county, having county, gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation and upon which no toll is collected, shall have power to pass a by-law or by-laws authorizing the regulating and licensing of the owners of livery stables, and of horses, cabs, carriages, omnibuses and all other vehicles used or kept for hire, and for issuing and regulating teamsters' licenses, for regulating the width of tire used on such vehicles, for establishing the rates of fare that may be collected or taken by the owners or drivers, for enforcing the payment of such licenses regulating rates of fare for the conveyance of goods or passengers, and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid county, gravel, or macadamized roads.

New sub.-sect. 7 of sect. 196.

46. In lieu of sub-section seven of section one hundred and ninety-six, the following:—

“The ratepayers entitled to vote on any by-law for incurring a debt or raising money, which shall not be payable within the then current year, shall be such ratepayers only as are rated on the assessment-rolls for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any municipal election, or of a leasehold, the duration of which shall not be less than the period of time in which the debt to be contracted, or the money raised under such by-law is made payable, and in the lease for which leasehold the lessee covenants to pay municipal taxes, and the Clerk shall furnish the Returning Officer with a verified list of electors.”

New sub.-sect. 8 of sect. 196.

47. In lieu of sub-section eight of section one hundred and ninety-six, the following:—

“Any ratepayer offering to vote on any such by-law, as in the next preceding sub-section mentioned, may be required by the Returning Officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation before his vote is recorded:

“I, A. B., do solemnly and sincerely make oath, (or affirm, as the case may be,) that I am the person named, or purporting to be named, on the list of electors; that I am a leaseholder (or freeholder,) as the case may be; that my lease extends for the period of time within which the debt contracted by the by-law now submitted to the ratepayers is made payable; that I have covenanted in such lease to pay all municipal taxes; and that I am, according to law, entitled to vote on the said by-law.”

Inconsistent enactments repealed.

48. All Acts or parts of Acts inconsistent with the provisions of this Act, relating to the municipal institutions of Upper Canada, are hereby repealed.

[No. 106.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to amend the Municipal
Institution Acts of Upper Canada,
chapters 51 and 52.

First Reading, February 13, 1868.

Second Reading, February 17, 1868.

Mr. RYMER, Chairman.

TORONTO

PRINTED BY SAMUEL BEATTY

An Act to continue for a limited time the several Acts therein mentioned.

WHEREAS it is expedient further to continue the Acts hereinafter mentioned, which would otherwise expire at the end of the present session: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. The Act of the Parliament of the late Province of Canada passed in the seventh year of Her Majesty's Reign, and intituled, "An Act to repeal an Ordinance of Lower Canada, intituled, *An Ordinance concerning Bankrupt's and the administration and distribution of their estates and effects*, and to make provisions for the same object throughout the Province of Canada ;" and the Act amending the same passed in the ninth year of Her Majesty's Reign, intituled "An Act to continue and amend the Bankrupt Laws now in force in this Province," in so far as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign and intituled "An Act to make provisions for the continuation and completion of proceedings in Bankruptcy now pending," and the said last mentioned Act and the Act of the said Parliament, passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, "An Act to afford relief to Bankrupts in certain cases," shall respectively be and they are hereby continued, and shall, in so far as they relate to the Province of Ontario, be in force until the first day of January, one thousand eight hundred and sixty-nine, and from thence until the end of the next ensuing session of the Legislature of Ontario, and no longer.

Acts of Canada, 7 Vic., Cap. 10, Bankrupts
9 Vic., cap. 30
12 Vic. Cap. 18
13 & 14 Vic., Cap. 20.
Continued for certain purposes only to end of Session after 1st Jan., 1869.

2. The period limited by the third enacting clause of the Act passed by the Parliament of the late Province of Canada in a session held in the twenty-ninth and thirtieth years of Her Majesty's Reign, chapter fourteen, intituled, "An Act to continue for a limited time the several Acts therein mentioned," and by the several Acts in that clause mentioned, or any of them, respecting the remedying of defects in the registration of titles in the County of Hastings, and which would otherwise expire at the end of the present session of the Legislature, shall be and the same is hereby extended to the first day of January, one thousand eight hundred and sixty-nine and from thence to the end of the next ensuing session of the Legislature of Ontario.

Period limited by 29 & 30 Vic., Cap. 14, Sec. 3, extended to end of Session after 1st Jan. 1869.

3. The period limited by the fourth clause of the said Act, passed in the twenty-ninth and thirtieth years of Her Majesty's Reign, chapter fourteen, intituled "An Act to continue for a certain time the several Acts therein mentioned," for the continuation of the operations of certain Savings Banks in that clause mentioned, is hereby extended until the first day of July, one thousand eight hundred and sixty-nine, and from thence to the end of the next ensuing Session of the Legislature and no longer, so far as relates to the Province of Ontario.

Period limited by 29 & 30 Vic., Cap. 14, Sec. 4, extended to end of session after 1st July, 1869.

Period limited by the eighth clause of the Act passed by the said Parliament, in the twenty-eight year of Her Majesty's reign, chapter twenty, entitled "An Act respecting Police Magistrates," is hereby extended to the first day of January, one thousand eight hundred and sixty-nine, and from thence till the end of the then next ensuing session of the Legislature, and no longer, so far as relates to the Province of Ontario.

Period limited by 28 V., c. 20, s. 8, extended to end of session after 1st Jan., 1869.

[No. 107.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to continue for a limited time the several Acts therein mentioned.

1st Reading, February 14, 1868.

The Hon. Attorney-General,

J. S. MACDONALD.

TORONTO :

PRINTED BY SAMUEL BEATTY.

An Act as to Executions against Goods and Lands.

WHEREAS, by an Act passed in the session of Parliament held in the twenty-ninth and thirtieth years of Her Majesty's reign, chapter forty-two, intituled "An Act to Amend the Common Law Procedure Act of Upper Canada," the principle is recognized of allowing persons who have priority executions in regard to goods, to retain the same in regard to lands; but difficulties exist in applying the said Act by reason of its enactment that the Sheriff shall return writs against goods only, in the order of priority in which they come to his hands, whilst, nevertheless, a person having a first execution against goods is entitled to renew the same indefinitely without any return thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Sections five and six of the said Act, and the two hundred and fifty-second section of the Common Law Procedure Act, are hereby repealed and the following substituted therefor:

Preamble.

29 & 30 V., c. 42.

29 & 30 V., c. 42; secs. 5 and 6, and sec. 252 C.P.L. Act repealed.

"Any person who may be or become entitled to issue a writ of execution against goods and chattels may, at or after the time of issuing the same, issue a writ of execution against the lands and tenements of the person liable, and deliver the same to the Sheriff to whom the writ against goods is directed, at or after the time of delivery to him of the writ against goods, and either before or after any return thereof; Provided, always, that the Sheriff shall not expose the lands for sale, or sell within less than twelve months from the day on which the writ against the lands is delivered to him."

Writs against lands may issue at same time as writs against goods.

Proviso—Lands not to be sold within a year.

2. No sale shall be had under any execution against lands until after a return of *nulla bona*, in whole or in part, with respect to an execution against goods in the same suit or matter by the same Sheriff, and without such return before sale no proceeds of any such sale shall be applied, as against subsequent writs, on any execution in the suit or matter wherein there shall have been no such return.

No sale of lands until return of *nulla bona* against goods.

3. No Sheriff shall make any return of *nulla bona*, either in whole or in part, to any writ against goods until the whole of the goods of the execution debtor in his county have been exhausted.

When *nulla bona* not to be returned.

4. If the amount authorized to be made and levied under the writ against goods be made and levied thereunder, the person issuing the writ against lands shall not be entitled to the expenses thereof, or of any seizure or advertisement thereunder; and the return to be made by the Sheriff shall

If the debt is realized under writ against goods, no expenses al-

lowed for
writ against
lands.

be, as the circumstances of the case may require, and the Sheriff shall not be bound to seize or incur any expense of seizure or advertisement under the writ against lands unless requested by the person issuing the same.

Writs to have
same effect as
heretofore.

5. The said writs against lands and goods shall have the same operation and binding effect as heretofore, and the law applicable heretofore on executions shall continue applicable, except so far as variance is requisite, by reason of the enactments hereof.

[No. 108.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act Respecting Returns of Writs
by Sheriffs.

First Reading, February 17, 1868.

MR. PARDEE.

TORONTO

PRINTED BY SAMUEL BEATTY.

An Act to amend the Act Twenty-third Victoria,
Chapter fifty-four.

WHEREAS, it is expedient to amend the Act Twenty-third Victoria, Chapter fifty-four, having reference to Joint Stock Road Companies: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.
23 V c. 54.

1. Section two of the said Act is hereby repealed, and the following is substituted in lieu thereof:

23 V c. 54,
s. 2 repealed.

1. "If, upon examining the road the Engineer finds it to be in good repair, the costs attending the requisition to the County Judge, and the examination of the road, shall be paid by the freeholders who made the requisition; but if, upon such examination, the road is found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition, then the Engineer shall proceed in the manner directed by the said Act.

Cost of examining road,
how paid.

2. "At the expiration of the time limited for the repairing of the road in his written notice left with any of the keepers of toll gates, as required by the said Act, the Engineer shall again examine the road, and if he finds the same repaired in a good and sufficient manner to his satisfaction, he shall certify the same if required by the Directors of the Company, or by the Municipal Council having the management of the Road; and if he does not find it so repaired, he may, in his discretion, by a permission in writing, allow further time for repairing the same, without discontinuing the taking of Tolls, as provided in the said Act; or if he does not think proper to grant such permission, or if, having granted it, he does not find the road properly repaired at the expiration of the time limited in such permission, then the provisions of the eighty-seventh and eighty-eighth sections of the said Act shall apply, and the Company or Municipal Council, as the case may be, shall not demand or take any toll from any person travelling with or without beast or vehicle, for passing through the nearest toll-gate on, or on either side of the portion or portions of the road so notified as being out of repair, under the penalty mentioned in the said eighty-eighth section, until the Engineer has again examined the road and certified it to be in good and efficient repair.

Engineer to
examine road
again.

If road not
repaired.

23 V. c. 54,
s. 87 and 88
to apply

3. "In case the said Road Company or Municipal Council owning such road, as aforesaid, do not cause the portion or portions of the road so out of repair, as aforesaid, to be put in a proper state of repair within three months next after the expiration of the time fixed in the written notice to

If road not
repaired with-
in three
months after
notice.

Company not
to levy toll.

Under pen-
alty in 88 s.
of said Act.

Proviso.

repair so given by the Engineer in the manner provided in the said Act, the Road Company or Municipal Council, as the case may be, shall not demand or take any toll from any person travelling with or without beast or vehicle for passing through the nearest two toll gates, on or on either side of the portion or portions of the road so out of repair, under the penalty mentioned in the eighty-eighth section of the said Act, until the Engineer has again examined the Road, and certified it to be in good and efficient repair; Provided always, that for every three month's time respectively thereafter during which the said portion or portions of said road shall not be put in a proper state of repair, to be certified by the Engineer in the manner provided herein or by the said Act provided, such Company or Municipal Council shall not be entitled to demand or take any toll for the next succeeding gate respectively on, or on either side of the portion or portions of the road so out of repair, under the penalty imposed by the eighty-eighth Section of said Act."

Public Act.

2. This Act shall be a Public Act.

[No. 109.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

To amend Act 23 Vic., cap. 54, res-
pecting Joint Stock Road Com-
panies.

1st Reading, February 18, 1868.
1868.

MR. SEXTON.

TORONTO:
PRINTED BY SAMUEL BRADY.

An Act to make valid Commissions for taking affidavits and Bail informally issued, and acts done in pursuance thereof.

WHEREAS, the Honorable Sir John Beverley Robinson, Preamble.

Baronet, the then Chief Justice of the Court of Queen's Bench for Upper Canada; the Honorable Archibald McLean, and the Honorable Robert Easton Burns, then Justices of the said Court, did, under and by virtue of the powers vested in them by an Act of the Legislature of the late Province of Upper Canada, passed in the second year of the reign of His late Majesty King George the Fourth, issue or cause to be issued a Commission constituting and appointing one James Keays a Commissioner, to take and receive, within the United Counties of Prescott and Russell, recognizances of bail and affidavits, which said Commission bears date the tenth day of June, one thousand eight hundred and fifty-six, and was informally issued without the seal of the said Court, as required by the said Act; and whereas the said James Keays hath, under and by virtue of the said Commission, taken affidavits of the due execution of deeds which have been thereupon registered, and it is necessary to legalize the said Commission, and all acts, matters and things legally done thereunder, and to authorise the Clerk of the said Court to attach the seal thereof to the said Commission; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

2 George IV.

Commission of
J. Keays in-
formally issued.

1. The Clerk of the Court of Queen's Bench of the Province of Ontario shall, on production thereof for such purpose, duly attach the seal of the said Court to the said Commission; and the Clerks of either of the Superior Courts of the said Province of Ontario shall and may seal or cause to be sealed all and every Commission so informally issued, on being satisfied that the signatures of the Chief Justice and Justice or Justices of such courts respectively, thereto, are genuine.

Informal com-
mission to be
sealed.

Other informal
Commissions to
be sealed.

2. Such Commissions, upon being duly sealed, as aforesaid, shall be deemed to have been legally issued, and all affidavits or recognizances of bail taken and received by the said James Keays, and every Commissioner under and by virtue of any such Commission so informally issued as aforesaid, shall be deemed to have been legally taken and received; and all and every deed or other instrument Registered by any Registrar in the Province of Ontario, in pursuance of an affidavit of the due execution thereof taken before any such Commissioner, shall be, and be deemed to have been legally registered; Provided always that nothing herein contained shall avoid any legal proceeding pending or had and determined previous to the passing of this Act.

Such Commis-
sions to be
deemed to have
been legally is-
sued.

Proviso.

[No. 110.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL,

An Act to make valid Commission
for taking Affidavits and Bail, in-
formally issued, and Act done in
pursuance thereof.

1st Reading, Feb. 10, 1868.

Mr. LYON.

TORONTO:

PRINTED BY SAMUEL BEATTY

An Act to provide for the organization of the Territorial District of Muskoka.

WHEREAS it is desirable, in consideration of the great increase in the population and the rapid growth of settlements in the remote portions of the Counties of Simcoe and Victoria, and the unorganized territory adjacent thereto, that provision shall be made for the more ready and convenient Administration of Justice, and for the registration of deeds and Instruments relating to lands in that part of this Province; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council, may, by Proclamation, declare that from and after a day to be named therein, the Townships of Morrison, Muskoka, Monck, Watt, Cardwell, Humphrey, and the unorganized territory lying between the Southern boundary of Humphrey, and the River Severn, and bounded on the West by the Western boundary line of Humphrey produced or extended Southerly in a direct line to the River Severn, shall, for the purposes of this Act, be detached from the County of Simcoe; and that the Townships of Ryde, Draper, Macaulay, Stephenson, Brunel, McLean, and Oakley shall be detached from the County of Victoria, and from the temporary Judicial District of Nipissing; and that the said townships and territory shall, for the purposes of this Act, be and form one territorial District or division, by the name of the District of Muskoka.

Lieutenant Governor may erect certain townships and unorganized tracts into a temporary judicial district, to be called the district of Muskoka.

2. The Lieutenant-Governor may, from time to time, appoint in and for the said territorial District, a fit and proper person to be Stipendiary Magistrate thereof, who shall hold office during pleasure, and exercise, within such District, the Magisterial, Judicial and other functions hereinafter expressed or provided, and who shall reside in such place within the said District as the Lieutenant-Governor may direct.

Stipendiary magistrate may be appointed.

3. Every such Stipendiary Magistrate shall be paid out of the Consolidated Revenue Fund in this Province, the yearly sum of to be paid quarterly, on the first day of January, April, July and October, in such year, by equal portions; and may moreover have and take, to his own use, the fees authorised to be taken by Justices of the Peace or by their clerks, in cases of summary convictions.

Salary of such magistrate.

4. The provisions of the fifth, seventh, and following clauses, down to clause number eighty-eight inclusive, of chapter one hundred and twenty-eight, of the Consolidated Statutes of Upper Canada, intituled "An Act respecting the administration of Justice in Unorganised tracts," shall extend and apply to the said District of Muskoka, in the same manner and with the like effect, as if they and each of them were here inserted and re-enacted, and made applicable in express

Con. Stat. U. C. c. 128, s. 5 and ss. 7 to 88 to apply, with certain substitutions.

terms, to the said District of Muskoka, with the substitution of the words "Lieutenant-Governor," for the word "Governor;" the word "Ontario," for the words "Upper Canada;" the words "the said territorial District," for the words "such temporary Judicial District," "his temporary Judicial District," "the temporary Judicial District," "each temporary Judicial District," "any temporary Judicial District," or "every temporary Judicial District;" the words "Commissioner of Agriculture and Public Works," for the words "Commissioner of Public Works;" the words "the District of Muskoka," for the words "the temporary Judicial District of"; the words "Minister of the Province," for the words "Minister of Finance;" the word "District," for the words "unorganized Country;" wherever the same occur in the said clauses, or any of them.

Justices of the Peace may be appointed. Qualification, &c., not necessary.

5. The Lieutenant-Governor in Council may, from time to time, appoint fit and proper persons to be and act as Justices of the Peace in and for the said territorial District of Muskoka; and it shall not be necessary for any such Justices of the Peace to possess any property qualification whatever, or to be a stated resident within the said territorial District.

Authority of such Justices.

6. The Justices of the Peace appointed under this Act shall have, hold and exercise all and any of the powers and authority, and be subject in all respects (except as to any matters incident to the residence or property qualification, required in cases not within the meaning of this Act) to the requirements of the laws in force in this province, respecting the office of Justice of the Peace, in so far as the same may be applicable to the persons appointed under this Act, and not inconsistent with the removal of the restrictions hereby intended.

Justices may make commitments to the Gaol of the territorial district.

7. Whenever, in the exercise of the powers and authority aforesaid, any Justice of the Peace, appointed under this Act, causes any person to be committed to prison, such Justice may cause such person to be committed to the common Gaol of the said territorial District, and the keeper of the said Gaol shall receive such person, and safely keep and detain him in such common Gaol, in his custody, until discharged in due course of law, or bailed in cases in which bail may be taken.

All appeals to be to the Quarter Sessions of the Co. Simcoe.

8. In all cases, under the requirements aforesaid, in which an appeal lies to a Court of General Quarter Sessions of the Peace, such appeal shall lie to, and may be brought before, and heard and determined by, the Court of General Quarter Sessions of the Peace for the County of Simcoe, and shall be claimed and allowed and exercised, at any time within six months from and after the day of the date of conviction.

Registrar of deeds may be appointed.

9. The Lieutenant-Governor in Council may appoint a Registrar of Deeds, in and for the said territorial District, who shall hold office during pleasure, and shall register all deeds and other conveyances and instruments relating to lands, situate in any part of the said territorial District, and laid out and surveyed by the crown.

Office, duties and fees of Registrar.

10. The said Registrar shall keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed from time to time by the Lieuten-

ant-Governor in Council, and his duties shall be the same as the duties of other Registrars under the Registry laws of this province; and his fees shall be the same as those appointed and established by such Registry Laws.

11. The Registrars of the temporary Judicial District of Nipissing, of the County of Victoria, and of the County of Simcoe respectively, when thereunto required by the Lieutenant-Governor, shall transfer and deliver to the Registrar of the said District of Muskoka all books, deeds, papers, plans and documents in their possession respectively as such Registrars referring or relating exclusively to any lands within the said District of Muskoka; and all the provisions of the Registry Laws of this Province relating to the transfer of books, deeds, memorials, plans, wills and other documents or instruments from one Registry Office to another Registry Office, when a part of a county has been detached therefrom and set apart for registration purposes, shall apply to the establishment of the said Registry Office in the said District of Muskoka.

Certain Registrars to transfer books, deeds, &c.

Registry Laws to apply.

12. The Superior Courts at Toronto, may from time to time appoint commissioners for taking affidavits and recognizance of bail, in and for the said territorial District, and the Queen's Writs shall run and may be executed in any part of the said District.

Commissioners for taking affidavits.

13. All the schedules appended to the said Act, intituled, "An Act respecting the administration of Justice in unorganized tracts," are adopted and are to be regarded and construed as appended to this Act; with the same substitution of one word for another word, and of one set of words for another set of words, as is hereinbefore provided in respect of the several clauses of the said act which are adopted and embodied in and made part of this Act.

Schedule appended to Con. Stat. U. C. c. 128 to apply, with substitutions.

14. For all Municipal purposes; for the purpose of representation in the Legislative Assembly, and for the administration of Civil and Criminal Justice, in all cases not provided for by this Act, the said townships and territory composing the said District of Muskoka, shall remain as before the passing of this act.

For certain purposes, District to remain as before this Act.

15. The Lieutenant-Governor in Council may from time to time, by Proclamation, detach any other township or territory from the said temporary Judicial District of Nipissing, and annex the same to the said territorial District of Muskoka, and may also by any subsequent Proclamation declare that the said District of Muskoka, with or without any other territory, shall from a day to be mentioned in such last mentioned Proclamation, constitute and form a Provisional Judicial District, under the provisions of the ninety-second clause of the said chapter one hundred and twenty-eight of the Consolidated Statutes of Upper Canada.

Lieutenant-Governor may annex other territory, and may erect said District into a Provisional Judicial District under Con. Stat. U. C. c. 128, sec. 92.

[No. 111.]

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to provide for the organization of the territorial District of Muskoka

1st Reading, ; 1868.

The Hon.
MR. ATTY.-GENERAL MACDONALD.

TORONTO:
PRINTED BY SAMUEL BEATTY

An Act to establish Municipal Institutions in the District of Algoma.

WHEREAS, it is expedient and necessary to grant to the Inhabitants of the district of Algoma the privileges now enjoyed by the remainder of the Province of Ontario, by the establishment of Municipal Institutions in such portions of the said District as are warranted by the population. And, whereas, it is advisable that the said District, wherever there are settlements of any great extent, should be divided into Independent Municipalities, having all the necessary powers for local taxation, for self-government, and the improvement of the said Municipalities: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.

1. It shall be lawful for the Inhabitants of the District of Algoma, wherever there is a settlement of a population of not less than hundred persons, to organize themselves into a Municipality.

Municipalities may be organized.

2. The said Municipality shall extend over and contain an area of not less than thousand, nor more than thousand acres of land.

Area of Municipality.

3. In order to constitute and establish a Municipality, as above provided, it shall be lawful for the Judge of the District of Algoma, upon the receipt of a Petition, signed by not less than in any settlement, in the said District, to call a meeting, by public notice, of said Inhabitants, to consider the expediency of erecting a Municipality, at which meeting the extent and boundary of said proposed Municipality shall be defined, and a name selected for the same.

District Judge upon petition to call public meeting to form Municipality.

4. Before the said Judge shall call said meeting, it shall be the duty of those petitioning for said Municipality, to deposit with him a sum sufficient to meet the expense of said Meeting, as also of the Election to be held as hereafter provided.

Petitioners to deposit amount to meet expenses.

5. The said Judge shall name some fit and competent person to preside at said Meeting, who shall forthwith report the result of the same to said Judge.

Judge to appoint Chairman

6. Upon receiving the report of said Meeting, the Judge shall fix a time and place for holding the first election, in said proposed Municipality, and shall in the notice providing for said election, define the extent and boundaries of said proposed Municipality, and also name the Returning Officer who shall preside at said election.

Judge to provide for first election.

7. The said election shall be conducted in the same manner as is provided for Municipal elections in Ontario, and the per-

First election how conducted

- Who to vote.** sons qualified to vote at said election shall be the male British subjects of the full age of twenty-one years and being householders.
- Five Councillors to be elected.** **8.** At said election there shall be elected five Councillors, with the same qualification as Voters.
- Declaration.** **9.** After the said election the said Returning Officer shall return to the said Judge the result of the same, and the said Judge shall, as soon as may be convenient thereafter, by public notice, declare the names of the persons so elected, who shall forthwith enter upon the duties of their office; and the said Municipality shall from thenceforth be known as the "Corporation of the Municipality of _____" and the said Councillors shall hold and continue in office until their successors are elected, as hereinafter provided.
- Name of Municipality.**
- First meeting of Council. Appointment of Chairman.** **10.** The said Councillors shall at their first meeting, which shall be fixed by the said Judge, before entering upon their duties, elect one of their number as Chairman; and the said Returning Officer shall preside at the first meeting.
- Appointment of Clerk, Treasurer, and Collector.** **11.** The said Councillors shall at their first meeting, or as early as possible thereafter, appoint a Clerk, Treasurer and Collector, who shall hold office until removed or dismissed by said Councillors; and the said Councillors shall also fix the remuneration to be paid said officers, by by-law to be passed for that purpose.
- Appointment of Assessors. Assessment rolls.** **12.** The said Council shall as early as convenient after their first meeting, appoint one or more Assessors, who shall enter upon a roll to be provided for that purpose the names of all the freeholders and householders in said Municipality, and the amount of all the real and personal property owned by them respectively, and the actual value thereof, and at the same time entering on said roll whether the owners are resident or not; and the said Assessor or Assessors shall duly notify the person or persons so assessed by leaving a notice at his or her place of abode, or if a non-resident by leaving the same at the nearest Post Office, stating in such notice the particulars of said assessment.
- Rolls to be returned to Clerk.** **13.** The said roll shall be returned to the Clerk of the Municipality within such time as shall be provided for by a by-law to be passed by said Council.
- Appeal against assessment.** **14.** The person or persons so assessed; if he shall complain of his assessment, shall within one month after the time fixed for returning said roll, notify, in writing, the Clerk of his grounds of complaint.
- Council to hear and determine appeals.** **15.** The said Council shall within two months after the time fixed for returning the roll, appoint a time and place for hearing said complaints, and shall after hearing the parties complaining as well as the assessor or assessors and such evidence as may be adduced, alter or amend the roll accordingly, and such decision shall be considered as final.
- Roll of the Municipality.** **16.** The said roll so finally revised shall be taken and held as the roll of the Municipality, for all purposes, until a new roll shall have been made and returned as hereinafter provided

17. The said Council shall by by-law fix the time for making the assessment in the Municipality at periods of not less than one, nor more than three years; Provided always, that the year for the purposes of this Act shall be considered as commencing on the first day of July in each and every year.

Council to fix time for making assessment.

18. The Council may in each and every year after the final revision of the roll, pass a by-law for levying a rate on all the real and personal property on said roll, of not more than two cents on the dollar, to provide for all the necessary expenses of said Municipality, and also such sum or sums as may be found expedient for the purposes mentioned in the next section of this Act.

Council to levy rates.

19. The said Council shall have power to pass by-laws for such purposes as are provided for regarding Townships under the Municipal Institutions Acts of Ontario.

Council to pass certain other by-laws.

20. The said Council shall by by-law fix the time for the Collector making his return, and the said Collector shall have the same powers as are conferred on Collectors by the said Municipal Institutions Acts of Ontario.

The Collector, his returns, and powers.

21. The second election of Councillors shall take place on the first Monday in July in the second year after the first election, and every subsequent election on the first day of July in each and every year thereafter; and the said Council shall by by-law fix the place for holding the said election, and shall also name the Returning Officer to preside at said election, and the said election shall be conducted in the same manner as is provided for Township elections in Ontario.

Second election of Councillors.

22. The person qualified to vote at every election after the first shall be the resident male freeholders and householders of said Municipality whose names appear in the last revised Assessment Roll, of the full age of twenty-one years, and naturalized or natural born subjects of Her Majesty, and the said Roll shall be taken to be final and conclusive so far as the qualification of electors is concerned.

Who qualified to vote.

23. The persons qualified to be elected as Councillors in said Municipality after said first election, shall in addition to the qualification required for voters, be assessed in the said Assessment Roll for at least two hundred dollars freehold, or four hundred dollars leasehold.

Qualification of Councillors.

24. If any dispute shall arise as to the said election or the mode of conducting the same, it shall be the duty of the said Judge to decide the same, and the same proceedings shall be taken as are provided in the Municipal Institutions Acts of Ontario.

Judge to decide disputes as to elections.

25. If any dispute shall at any time arise as to the validity of any by-law, or resolution, or order of the Municipality the same shall be referred to the Judge of the District whose decision thereon shall be final, and the said Judge shall have the power of enforcing his decision, if necessary, by a writ or writs under his hand and seal, to be directed to the Sheriff of the District, adapted to the purposes intended.

Judge to decide disputes as to validity of by-laws, &c:

Vacancy in
Council how
filled.

26. In case the seat of any member of the Council shall become vacant by death, resignation, or a continued absence from meetings of the Council, for a period of six months, it shall be the duty of the Council to direct a new election to be held, for the purpose of supplying such vacancy.

Chairman to
preside.

27. The Chairman of the said Council shall preside at all meetings thereof, and in the event of his absence the Council shall choose, from among their number a person to preside, and in such case the said person so presiding shall have all the powers and exercise all the functions appertaining to the Chairman.

Councillors to
be Justices of
the Peace.

28. The Councillors of the Municipality shall be *ex-officio* Justices of the Peace, and shall have the like powers as are exercised by Justices of the Peace in the Province of Ontario.

Council to re-
gulate tavern
licences.

29. The Council shall have the power to pass by-laws regulating and limiting the number of licenses for the sale of intoxicating liquors, for appointing an Inspector, and for enforcing their said by-laws and regulations.

Council to es-
tablish a lock-
up.

30. The said Council may establish and maintain a lock-up house, within the Municipality, and may establish and provide for the salary, or fees, to be paid the Constable to be placed in charge of such lock-up house; Provided, always, that the appointment of said Constable shall be ratified by the Judge of the said District; and the said Council shall have power to remove or suspend such Constable for neglect of duty, or other misconduct.

Council to ap-
point Constables.

31. The said Council shall have the power to appoint one or more Constables, within the Municipality, whose duty it shall be to enforce and maintain law and order, and who shall perform all duties appertaining to Constables in Ontario; and the said Council shall have the power, from time to time, to remove the same, for any misconduct in their office, and shall also regulate the fees to be paid said Constables; Provided, always, that such appointment, and tariff of fees, shall be subject to the approval and ratification of the Judge of the said District.

Certain sections
of 29 & 30 V.
c. 51 to apply.

32. In addition to the powers conferred upon said Municipality by this Act, the following sections, with their sub-sections of the Municipal Institutions Act of Ontario, chapter fifty-one, of the twenty-ninth and thirtieth Victoria, shall be applicable to the said Municipality, so far as they can be adapted to the same viz:

“Sections one hundred and fifty-two, one hundred and sixty-one, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and ninety-three, one hundred and ninety-four, two hundred and seven, two hundred and eight, two hundred and nine, two hundred and ten, two hundred and eleven, two hundred and eighteen, two hundred

and forty-six, two hundred and sixty-nine, three hundred and thirty-eight, three hundred and thirty-nine, three hundred and fifty-four, four hundred and twenty."

33. It shall be the duty of the Sheriff of the District of Algoma within six months after the passing of this Act, to cause a list to be taken of all the freeholders and householders in the said District and file the same in the office of the Clerk of the Peace, subject to such rules and regulations as may be provided and made by the Lieutenant-Governor in Council.

Sheriff to file
list of freehold-
ers, &c.

34. The persons entitled to vote at the Parliamentary Elections for the Province of Ontario shall be the resident Household-ers of said District and the Freeholders, whether resident or not, whose names shall have been duly entered upon the lists taken by the said Sheriff and filed in the office of the Clerk in the Peace, except the Indians belonging to Tribes and Indians of receipt of Government aid or bounty.

Who entitled to
vote at Parlia-
mentary elec-
tions.

1st Session, 1st Parliament, 31st Victoria, 1868.

BILL.

An Act to establish Municipal Institutions in the District of Algoma.

First Reading, January , 1868.
Second Reading, February , 1868.

Mr. CUMBERLAND,
Algoma.

TORONTO :
Printed by Samuel Beatty.

An Act to quiet the Titles of Persons holding Lands
previously Sold for Taxes.

WHEREAS divers omissions, defects and irregularities, have been made, permitted and committed in the rating of lands in this Province; in the keeping of accounts with or against the respective lots or parcels of such lands; in the advertisements and publication of arrears of taxes being due on such lands, or that they were liable to be sold for non-payment of such arrears;—in the advertisements and publication that such lands would be sold;—in the adjournment of such intended sales;—in the time, place and manner of their sale, and in various other particulars and respects;—by reason whereof great uncertainty, confusion and litigation have ensued, and it is desirable to remedy the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.

1. All lands which were legally liable to be assessed and rated, and to be sold for non-payment of the arrears of taxes charged against such lands, at the time of the sale thereof, and which have been sold for such arrears, three years prior to the passing of this Act, shall be presumed to have been rightly assessed and rated and sold for such arrears, notwithstanding the omission, defect, irregularity or insufficiency of any act, notice, advertisement, publication, demand or proceeding whatsoever, by any Assessor, Court of Quarter Sessions, District Council, Municipal Council, Clerk of the Peace, Treasurer, Sheriff, or other officer whatsoever; in all cases where such lands shall not have been sold *bona fide* by the owner thereof, subsequent to such sale for taxes.

Technical defects, &c. cured in the case of certain Lands liable to be sold and actually sold for taxes.

2. The production of the deed from the Sheriff, or the giving of secondary evidence thereof when secondary evidence is properly admissible, shewing that the land therein mentioned has been sold for arrears of taxes, shall be *prima facie* evidence that such lands were legally and actually liable to be sold, and were legally sold, for such arrears; and the party producing such deed, or giving secondary evidence of the same, shall not be required to prove any other matter whatsoever, in support of such deed or title.

Sheriff's deed *prima facie* evidence that Lands were legally sold.

3. Any party contesting such liability or deed may show that the land in question could not, by the observance of any act, or by any means whatsoever under the statutes relating to such assessments and sales, have been made liable by law to taxation, or may show there were no sufficient arrears of taxes whatsoever due upon such land, to warrant the sale thereof; but he shall not be at liberty to impeach or defeat the assessment or sale upon any other grounds whatsoever.

Party contesting may show that the Land was not liable to taxation or that no sufficient taxes were in arrear.

4. This Act shall not prevent any Court of Law or Equity, from holding void or avoiding any sale or Sheriff's deed, made of such land upon a case of positive fraud being made out, or

Equity may avoid sale in cases of fraud.

of rectifying any such sale or deed, upon its being shown that a part of any lot or parcel of land has been sold or conveyed instead of another part of the said lot or parcel, where no *bona fide* purchaser or owner will be prejudiced thereby, in which latter case the sale or deed shall be rectified only, and not vacated.

Defective description of land not to vitiate Sheriff's deed, but may be amended.

5. No such sale of land for taxes shall be held to be invalid by reason of any defect or any uncertain or insufficient description of the parcel sold by the Sheriff, or if the parcel sold can be ascertained or described in the deed given by the Sheriff, of the land intended to be conveyed thereby; but it shall be the duty of the Sheriff, or his successor in office, and he is hereby authorised and required in every such case, when thereunto reasonably required, to execute and deliver to the purchaser of such land at such sale, or to his heirs, devisees or assigns, such other and further deeds and assurances as may be necessary for the remedying of any and every such defect, which last mentioned deeds and assurances shall be valid and effectual in law to the same extent that they would have been if executed and delivered in the first instance instead of such defective deed, and no further.

BILL.

An Act to quiet the Titles of Persons holding Lands formerly sold for Taxes.

First Reading, February 25, 1868.

TORONTO:

PRINTED BY SAMUEL BEATTY.

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No. 14.]

BILL.

[1868.

An Act for granting to Her Majesty certain sums of money required for defraying the expenses of Civil Government for the year 1868, for making good certain sums expended for the Public Service in 1867, and for other purposes.

MOST GRACIOUS SOVEREIGN:—

WHEREAS it appears by messages from His Excellency Major General Stisted, Lieutenant-Governor of the Province of Ontario, and the Estimates and Statements accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, and other purposes, for the year One Thousand Eight Hundred and Sixty-Eight, and to make good certain sums expended for the Public Service in the year One Thousand Eight Hundred and Sixty-Seven: May it therefore please your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, as follows:

1. From and out of the Consolidated Revenue Fund of this Province there shall and may be paid and applied a sum not exceeding in the whole one million three hundred and fifty-two thousand six hundred and seventy-seven dollars and forty-two cents for defraying the several charges and expenses of the Civil Government of this Province, for the year One Thousand Eight Hundred and Sixty-Eight, and for other purposes; provided always, that any appropriation made by this Act which shall be expended on the Thirty-first day of December, One Thousand Eight Hundred and Sixty-Eight, shall become void and of no effect.

2. There shall be charged to the Consolidated Revenue Fund of this Province the sum of fifty-six thousand six hundred and sixty-nine dollars and ninety-seven cents, to make good the expenditures defrayed by the Treasurer of the Province during the six months ending Thirty-first day of December, One Thousand Eight Hundred and Sixty Seven, as detailed in Statement No. 2 of the "Statements of Receipts and Expenditures on account of the Province of Ontario," laid before the Legislative Assembly on the 13th January last.

3. Subject to revision and correction, there shall be charged to the Consolidated Revenue Fund of this Province, the further sum of five hundred and thirty thousand seven hundred and sixty-five dollars and seventy-three cents, to make good the Expenditures defrayed by the Dominion of Canada on account of the Province of Ontario during the six months ending the Thirty-first day of

December, One Thousand Eight Hundred and Sixty-seven, as detailed in Statement No. 5 of the "Statements of Receipts and Expenditures on account of the Province of Ontario," laid before the Legislative Assembly on the 13th January last.

4. And whereas it is inexpedient that monies shall be paid out of the public Treasury of this Province for the support of Collegiate Institutions, be it therefore declared and enacted, that the sum of thirty-two thousand one hundred dollars hereby granted to certain Colleges specified in the Schedule to this Act is so granted to save these Institutions from the embarrassment which might ensue were they suddenly deprived of the assistance hitherto afforded by the Legislature of the late Province of Canada, and that it shall not hereafter be lawful to continue such grants.

5. Accounts in detail of all monies received on account of this Province, and of all Expenditures under this Act, shall be laid before the Legislative Assembly at its next Session.

6. The due application of all monies expended under the authority of this Act shall be accounted for to Her Majesty.

SCHEDULE.

Sums granted to Her Majesty by this Act, and the purposes for which they are granted.

SERVICE.	Amount.	Total.	Total.
CIVIL GOVERNMENT.			
LIEUTENANT-GOVERNOR'S OFFICE.	\$ cts.	\$ cts.	\$ cts.
Private Secretary's Office.....	800 00		
Messenger's do.	400 00		
		1,200 00	
EXECUTIVE COUNCIL OFFICE.			
Clerk, Salary, (also Chief Clerk to the Attorney-General).....	400 00		
Junior Clerk, Salary.....	600 00		
Caretaker, do.	365 00		
Messenger, do. (\$500—half charged Attorney-General's Office).....	250 00		
		1,615 00	
ATTORNEY-GENERAL'S OFFICE.			
Atty-General as Premier, Salary (arrears for 1867 \$2,000 00).	4,000 00		
Chief Clerk, Salary (do. 500 00).	1,200 00		
Second do.	600 00		
Messenger do. (See Executive Council above)	250 00		
		8,550 00	
TREASURY DEPARTMENT.			
Treasurer, Salary .....(arrears for 1867 \$392 00).	3,200 00		
Bookkeeper do. ....( do. 61 29).	1,200 00		
Chief Clerk, Audit Branch	1,000 00		
Junior Clerk, do.	500 00		
Clerk of Correspondence	600 00		
Messenger	365 00		
		7,318 29	
SECRETARY AND REGISTRAR'S OFFICE.			
Secretary and Registrar, Salary, (arrears for 1867 \$1,100 00).	3,200 00		
Ass't Secretary and Deputy Registrar, salary	1,600 00		
First Clerk, Registrar's Office, do.	800 00		
do. Secretary's do. do.	600 00		
Three additional Clerks	1,600 00		
Messenger	365 00		
		9,265 00	
DEPARTMENT OF AGRICULTURE AND PUBLIC WORKS.			
Commissioner, salary, .....(Arrears of 1867, \$1,000 00).	3,200 00		
Surveyor	1,600 00		
Secretary of Agriculture.....	800 00		
Accountant and Librarian.....	800 00		
Senior Clerk and Draughtsman.....	800 00		
Clerk, .....(Arrears of 1867, \$100 00).	600 00		
Messenger.....	365 00		
		9,865 00	
<i>Carried forward</i>		37,813 29	

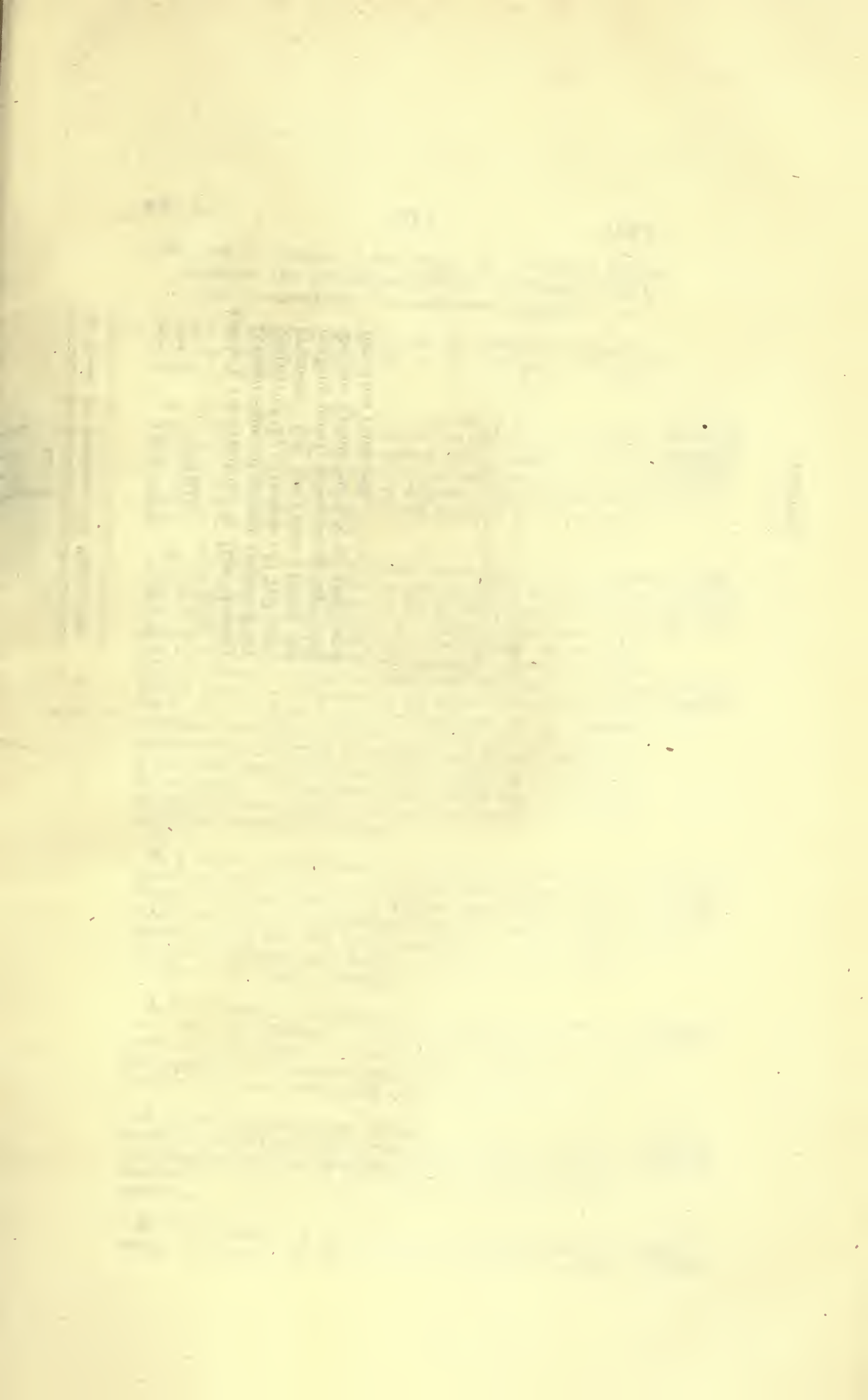
SERVICE.	\$	c.	\$	c.	\$	c.
<i>Brought forward</i>			37,813	29		
CIVIL GOVERNMENT—CONTINUED.						
CROWN LANDS DEPARTMENT.						
Commissioner, salary, .....(Arrears of 1867, \$1,100 00)	3,200	00				
Assistant Commissioner do.....	2,600	00				
Surveyor's Branch, salaries.....	5,910	00				
Land claims and sales in old Townships branch, salaries.....	4,760	00				
Clergy and School Lands, and Crown Lands in new Townships Branch, salaries.....	5,260	00				
Letters Patent Branch, salaries.....	3,030	00				
Woods and Forests Branch, salaries.....	3,240	00				
Accounts do. do.	8,240	00				
Registrars do. do.	1,400	00				
Clerk, unattached... ..	700	00				
Office Keeper.....	500	00				
Messengers	450	00				
			40,390	00		
CONTINGENCIES.						
Contingencies of the Departments not otherwise provided for, including Printing, Stationery, Advertising, Blank Books, Postages, Telegrams, Additional Clerk hire, etc.			44,670	00		
Total Civil Government.....					122,873	29
CROWN LANDS EXPENDITURE.						
Salaries and Expenditures of travelling agents.....	2,590	00				
Surveys.....	30,000	00				
Refunds.....	10,000	00				
Board of Surveyors.....	400	00				
Agents' Salaries, Commissions and Disbursements.....	35,000	00				
Total Crown Lands Expenditure.....					77,900	00
LEGISLATION—TWO SESSIONS.						
Salary of the Speaker.....	1,000	00				
Indemnity of Members -82 at \$5 per diem.....	57,400	00				
Mileage of do.	4,400	00				
Salary of the Clerk of the House.....	1,400	00				
do. Assistant Clerk and Accountant	1,200	00				
do. Clerk of Committees	1,200	00				
do. First Office Clerk in charge of Printing, &c....	800	00				
do. Clerk of Routine and Records	600	00				
do. Law Clerk	400	00				
Salary of the Sergeant-at-Arms.....	400	00				
do. Housekeeper and Chief Messenger	500	00				
do. Sessional Messengers, Writers and Pages	6,000	00				
Postages and cost of House Post Office	4,000	00				
Stationery, including Printing Paper, Printing and Binding.....	10,000	00				
Printing, Binding, and Circulating the Statutes.....	7,500	00				
Expenses of Elections	2,500	00				
<i>Carried forward</i>	\$99,300	00			\$203,773	29

SERVICE.	\$	c.	\$	c.	\$	c.
LEGISLATION—(Continued.)						
<i>Brought forward</i>	99,300	00			203,773	29
Newspapers and other contingencies.....	1,250	00				
Increase of the Library	1,000	00				
Salary of the Clerk of the Crown in Chancery	400	00				
	101,950	00				
Less advanced to Clerk on account	10,000	00			91,950	00
ADMINISTRATION OF JUSTICE.						
<i>Court of Chancery.</i>						
Arrears for 1867.....	1,682	11				
Salary of the Master.....	2,240	00				
do. Taxing Officer.....	1,600	00				
do. Clerk, Master's Office.....	1,000	00				
do. Junior Clerk, Master's Office.....	800	00				
do. Registrar.....	1,840	00				
do. Clerk, Registrar's Office.....	1,000	00				
do. do. do.	1,000	00				
do. do. do.	1,000	00				
do. Entering Clerk, Registrar's Office.....	600	00				
do. do. do.	500	00				
do. Usher and Housekeeper.....	450	00				
do. Messenger.....	365	00				
do. Surrogate Court Clerk.....	1,600	00				
					15,677	11
<i>Court of Queen's Bench.</i>						
Arrears for 1867.....	800	88				
Salary of the Clerk of the Crown.....	1,840	00				
do. Senior Clerk.....	1,200	00				
do. Junior Clerk.....	1,000	00				
do. Clerk of the Process.....	1,400	00				
do. Assistant Clerk of the Process.....	400	00				
do. Housekeeper and Messenger.....	500	00				
do. Usher and Crier.....	160	00				
do. Assistant Messenger.....	160	00				
					7,460	88
<i>Court of Common Pleas.</i>						
Arrears for 1867.....	512	27				
Salary of the Clerk of the Crown.....	1,840	00				
do. Senior Clerk.....	1,200	00				
do. Junior Clerk.....	1,000	00				
do. Crier and Usher.....	160	00				
					4,712	27
Deputy Clerks of the Crown and Pleas.....					11,709	00
<i>Criminal Justice.</i>						
Crown Counsel, Criminal Prosecutions.....	14,950	00				
Administration of Criminal Justice.....	127,539	00			142,489	00
<i>Miscellaneous Justice.</i>						
To meet expenses of Criminal Justice in the Districts of Algonia and Nipissing, and other services	18,126	00				
Seals and other contingencies.....	200	00			18,326	00
Total administration of Justice.....					200,365	26
<i>Carried forward</i>					5193,088	55

SERVICE.	\$	c.	\$	c.	\$	cts.
<i>Brought forward</i>					\$493,088	55
PUBLIC WORKS AND BUILDINGS.						
To complete the Rebuilding, Repairing, Fitting, and Furnishing the Public Buildings	30,331	00				
For Fuel, Gas, Water, Improvements, Furniture, Ladders, Hose, Shelving, and other Contingencies connected with do.	15,000	00				
Rent and Repairs of Residence of Lieutenant-Governor.....	2,216	00				
Fuel and Gas for do. do.	620	00				
On account of Rebuilding and Furnishing Government House	50,000	00				
Continuing erection new Buildings, Lunatic Asylum, Toronto	75,000	00				
Colonization Roads.....	50,000	00				
Insurance on Public Buildings	495	00				
Housekeeper for East Wing, \$490; Fireman, do., \$365; Watchman, \$365; Cleaning, \$180	1,310	00				
					224,972	00
AGRICULTURE.						
For 73 Electoral Division Societies at \$700.....	51,100	00				
For 1 do. do.	550	00				
For 7 do. do. at \$350.....	2,450	00				
For 1 Fruit Growers' Association	350	00				
For Mechanics' Institutes	2,000	00				
For Agricultural Association in lieu of the Grant of \$4000, and of the 12½ per cent. deducted from the Electoral Division Societies' Grants	10,000	00				
					66,450	00
MISCELLANEOUS.						
Grant to the Distressed Fisherman in Nova Scotia.....	5,000	00				
Inspection of Asylums and Prisons.....	3,000	00				
Cost of the Official Gazette.....	4,000	00				
Towards facilitating the transport of passengers and freight, by steamer, between Collingwood and Fort William, touching at Ontonagon, on the south shore of Lake Superior	11,000	00				
					23,000	00
HOSPITALS AND CHARITIES.						
Aid to Toronto Hospital, Toronto.....	6,400	00				
Do. do. for County Patients, do.....	4,800	00				
Do. House of Industry do.....	2,400	00				
Do. Protestant Orphans' Home and Female Aid Society do.....	640	00				
Do. Roman Catholic Orphan Asylum, Toronto....	640	00				
Do. Lying-in-Hospital, do.	480	00				
Do. Magdalen Asylum, do.	480	00				
Do. House of Providence [do.	320	00				
Do. Girls' Home and Public Nursery do.	320	00				
Do. General Hospital, Kingston...	4,800	00				
Do. House of Industry and Refuge for Indigent Sick, do.	2,400	00				
<i>Carried over</i>	23,680	00			807,519	15

SERVICE.		\$	c.	\$	c.	\$	b.
<i>Brought forward.</i>		\$23,689	00			\$807,510	55
HOSPITALS AND CHARITIES.—(Continued.)							
Aid to the	Orphans' Home,	Toronto...	640	00			
Do.	Hotel Dieu Hospital,	do. ...	800	00			
Do.	General Hospital,	London ..	2,400	00			
Do.	City Hospital,	Hamilton...	4,800	00			
Do.	Roman Catholic Orphan Asylum,	do. ...	640	00			
Do.	Orphan Asylum and Ladies' Benevolent Society,	do. ..	640	00			
Do.	Protestant Hospital,	Ottawa.....	1,200	00			
Do.	Roman Catholic do.	do. ...	1,200	00			
In Aid of the	Deaf and Dumb.....		3,000	00			
						39,000	00
LUNATIC ASYLUMS.							
Provincial Lunatic Asylum and Branch, Toronto.....		77,290	00				
Malden Lunatic Asylum.....		35,314	43				
Orillia do.		17,884	07				
						139,488	50
REFORMATORY, PENETANGUISHENE.							
For Maintenance and Repairs.....						23,013	37
LITERARY AND SCIENTIFIC INSTITUTIONS.							
Aid to	Medical Faculty, Victoria College, Cobourg	750	00				
Do.	School of Medicine, Kingston.....	750	00				
Do.	do. Toronto.....	750	00				
Do.	Canadian Institute do.	750	00				
Do.	do. Ottawa	300	00				
Do.	Athenaeum do.	300	00				
						3,600	00
EDUCATION.							
For Common and Separate Schools		170,000	00				
Do. Poor Schools		2,000	00				
Do. Normal and Model Schools.....		17,000	00				
Do. Libraries, Apparatus and Prizes		32,000	00				
Do. Superannuated Teachers.....		4,200	00				
Do. Museum and Library		2,800	00				
Do. Journal of Education.....		1,800	00				
Do. Grammar School Inspection		2,000	00				
Do. Grammar Schools.....		55,000	00				
Salary of the	Superintendent of Education....	4,000	00				
do.	Deputy do. ...	2,200	00				
do.	Senior Clerk and Accountant ...	1,200	00				
do.	Corresponding Clerk	900	00				
do.	Statistical Clerk	1,000	00				
do.	Assistant do.	500	00				
do.	Messenger	365	00				
		10,165	00				
						296,965	00
<i>Carried forward.</i>						1,300,577	42

SERVICE.	\$	c.	\$	c.	\$	c.
<i>Brought forward</i>					\$1,300,577	42
AID TO SUPERIOR EDUCATION.						
Regiopolis College, Kingston, usual grant for 1½ years.....	4,500	00				
Queen's College, do. do. do.	7,500	00				
Bytown College, Ottawa, do. do.	2,100	00				
St. Michael's College, Toronto, do. do.	3,000	00				
Trinity College, Toronto, do. do.	6,000	00				
Victoria College, Cobourg, do. do.	7,500	00				
L'Assomption College, Sandwich, do. do.	1,500	00				
					32,100	00
To meet unforeseen and unprovided expenses					20,000	00
					1,352,677	42
To make good the expenditures defrayed by the Treasurer of the Province during the six months ending 31st Dec'r, 1867, as detailed in Statement No. 2 of the Statements of Receipts and Expenditures on account of the Province of Ontario, laid before the Legislative Assembly on the 13th January last.....					56,669	97
Subject to revision and correction, to make good the expenditures defrayed by the Dominion of Canada, on account of the Province of Ontario, during the six months ending 31st December, 1867, as detailed in Statement No. 5 of the "Statements of Receipts and Expenditures on account of the Province of Ontario," laid before the Legislative Assembly on the 13th January last					530,765	73
Total					1,940,113	12



114
No.

1st Session, 1st Parliament, 31st Victoria. 1868.

BILL.

An Act for granting to Her Majesty certain sums of money required for defraying the expenses of Civil Government for the year 1868, for making good certain sums expended for the Public Service in 1867, and for other purposes.

TORONTO :

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No 115.]

BILL.

2 Year 11
3 " "

[1863.]

An Act to impose a tax upon all Patented Lands situate in the provisional District of Algoma, and to provide means for the collection thereof.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. An annual tax of two cents per acre to and for the public uses of this Province, to commence on and be completed from the first day of May one thousand eight hundred and sixty-seven, is hereby imposed upon, all the lands heretofore granted in the provisional District of Algoma, and a similar tax is hereby also imposed upon all lands hereafter to be granted in the said provisional District.

An annual tax of two cents per acre imposed upon all land granted in Algoma.

2. The Commissioner of Crown Lands shall, on or before the first day of June next, after the passing of this Act, transmit to the Treasurer of the Province a list of all lands situate within the said provisional District of Algoma, which have been granted by the Crown previous to the thirtieth day of April, one thousand eight hundred and sixty-eight, specifying in such list, the number or letter by which each lot or parcel of such land is or may be designated in the patent thereof, where such lot or parcel is situate within, or forms part of any surveyed territory ; and defining the same by some general designation or description indicating the locality thereof, and referring for a more particular description to the description thereof given in the patent, with the date of such patent and the name of the grantee thereof, where such lands are situate within or form part of any unsurveyed territory.

Com. Crown Lands to transmit list of such lands to Treasurer.

With number or description of each lot.

3. Every such list shall contain a statement of the quantity of land contained in each lot or parcel of land so granted within the said provisional District of Algoma, and for the purposes of this Act, the quantity specified in such list shall be held and regarded as the true and actual quantity or measurement of land granted thereby, and shall form the basis upon which the said tax or rate shall be computed.

The quantity of land in each lot is to be taken as correctly stated in the patent.

4. The Commissioner of Crown Lands shall, in like manner, on or before the first day of June in each subsequent year, transmit to the Treasurer of the Province a similar list of all lands granted in the said provisional District of Algoma, during the year ending on the thirtieth day of April then last past.

Similar list to be furnished annually.

5. Every such list shall be certified under the hand of the Commissioner of Crown Lands for the time being, or the Assistant Commissioner, and shall contain such statement of all the particulars relating to each lot or parcel of land as hereinbefore set forth.

Lists to be signed by the Com. or assistant Com.

6. The Treasurer of the Province shall provide a book or books, to be kept in his office, in which he shall, on or before

Treasurer to keep books in

which lists to be entered.

the first day of July next enter and set down in *tabular form*, all the said lands mentioned and specified in the said list first mentioned, and opposite each lot or parcel the quantity of land contained in each lot or parcel respectively.

And to set down the amount of tax against each lot.

8. On or before the first day of July next, the Treasurer of the Province shall also set down in the said book or books, against each lot or parcel of land, the amount of the tax against such lot or parcel for one year, computed at the said rate of two cents per acre, and each lot or parcel shall thereupon be and become subject to the payment of the amount so set down against the same respectively.

The amount so set down to be the tax for one year, ending 30th April 1888

8. The amount so set down against each lot or parcel of land as last aforesaid, shall be and shall be regarded as the tax imposed by this Act upon the same, for the year ending on the thirty-first day of December then last past.

Treasurer to enter the lands mentioned with annual lists.

9. The said Treasurer of the Province shall also, on receipt by him of the said annual list, and on or before the first day of July in each year after the present year, enter and set down in like manner in such book or books all the lands mentioned and specified in such last mentioned lists respectively, and granted by the Crown during the year ending on the thirtieth day of April then last past, with the quantity of land contained in each lot or parcel as hereinbefore directed, and also the amount of the tax against such lot or parcel for one year, computed at the rate of two cents per acre, which shall be, and shall be regarded as the tax imposed upon each such last mentioned lot or parcel, for one year, ending on the thirtieth day of April then last past; and every such last mentioned lot or parcel shall thereupon be and become subject to the payment of the amount set down against the same respectively.

And one year's taxes.

With number of each lot.

Annual account to be kept against each lot, and ten per cent added to arrears.

10. The Treasurer of the Province shall also, between the first day of May and the first day of June, in every year after the present year, make up and ascertain, as against every lot or parcel of land so set down in his said book or books, the arrears of taxes, if any, due thereon, on the thirtieth day of April, in the preceding year, and still unpaid, and shall bring forward the same with ten per cent added thereto, and he shall also ascertain and enter against the said lots or parcels respectively the taxes payable for the year ending on the thirtieth day of April then last past, and he shall add the said arrears, if any, and the said ten per cent thereon, and the amount of the taxes for the said then last year together, and bring forward the total amount thereof in another column; which said last-mentioned amount shall constitute the arrears of taxes then due upon every such lot or parcel of land under the authority of this Act.

When taxes years in arrear Treasurer to issue warrant to Sheriff of Algoma to levy the same.

11. Whenever any portion of the taxes, so ascertained, made up, and entered as aforesaid, has been due for five years, the Treasurer of the Province shall issue a warrant under his hand and seal, directed to the Sheriff of the said Provisional District of Algoma, commanding him to levy upon the land for the arrears of taxes then due thereon, with costs.

Treasurer not to receive payment after issuing warrant.

12. After the issuing of such warrant, the said Treasurer shall receive no payment on account of the sums mentioned in the said warrant.

13. Immediately upon the receipt of the warrant, the Sheriff shall prepare a list of all the lands included therein, and of the amount of arrears of taxes due on each lot or parcel, as described in the patent, and shall cause such list to be published twelve consecutive times, in the *Ontario Gazette*, and for a like period in some newspaper published in the said Provisional District, if any such there be.

Sheriff to make list showing arrears of taxes and publish the same.

14. The advertisement shall contain a notification that unless the said arrears are sooner paid, the Sheriff will proceed to sell the lands for taxes, on a day to be named in the advertisement.

Notification of sale.

15. The day of sale shall not be less than three months, nor more than six months, after the first publication of the list in the *Ontario Gazette*.

Sheriff's commission.

Not less than three months nor more than six months between publication and sale.

16. The Sheriff shall also post a notice similar to such advertisement on some convenient and public place at the Court House of the said provisional district, at least three weeks before the time of the sale.

Notice in Court House for recording of Sheriff's Office.

17. If, at the time appointed for the sale, no bidders appear, the Sheriff may adjourn the sale from time to time.

If no bidders sale to be adjourned.

18. The Sheriff shall, in each case, add to the arrears so published a proportionate share of the cost of publication, according to their amounts respectively.

Notice of adjournment.

19. If the taxes shall not have been previously paid or tendered, the Sheriff shall sell by public auction, on the day appointed for the sale, so much of the land as may be necessary and sufficient to discharge the taxes, and all lawful charges incurred in and about the sale, and collection of the taxes, selling in preference such part as he may consider it most to the advantage of the owner to sell first.

If taxes not previously paid lands to be sold and no more than the amount of the taxes and charges.

20. If the purchaser of any parcel of land fails, on demand, to pay the Sheriff the amount of the purchase money, the Sheriff may forthwith again put up the property for sale, and sell the same.

If purchase money not paid lands to be put up again for sale.

21. The Sheriff, after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land has been sold, and describing the same, and also stating the quantity of land sold, the sum for which it has been sold, and the expenses of the sale, and further stating that a deed conveying the same to the purchaser or his assigns, will be executed by the Sheriff, or his on their demand, at any time after the expiration of one year, from the date of the certificate, if the land be not previously redeemed.

Sheriff to give purchaser a certificate of the land sold.

22. The purchaser shall, on receiving the Sheriff's certificate of sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the same from spoliation, or waste, until the expiration of the term, during which the land may be redeemed, but he shall not, knowingly permit any person to cut timber growing on the said land, or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value.

Purchaser to be deemed the owner for certain purposes.

Particulars of land to be sold.

On tender by
owner of taxes
or purchaser's
rights to cease.

23. From the time of a payment to the Sheriff of the full amount of the redemption money, required by this Act, the said purchaser shall cease to have any further right in, or to use the land in question.

Sheriff to make
return.

24. Within one month after the sale the Sheriff shall make a detailed return to the Treasurer of the Province, of each separate parcel of land included in the said warrant, and shall pay over to him the money.

Sheriff's com-
mission on.

25. The said Sheriff shall be entitled to five per cent. commission upon the sums collected by him, under such warrant, and he may also receive the sum or fee of one dollar for the sale of each separate parcel actually sold by him, and the Sheriff may add the said commission and fee to the amount of arrears included in the Treasurer's warrant on those lands, in respect to which such services have been respectively performed.

The Sheriff
may add fee
for searching
Registry Office.

26. If the Sheriff cannot give a sufficient description of any lands sold by him without a search in the Registry Office of the said provisional District of Algoma, he shall, in addition to the charge herinbefore authorized, be entitled to charge the fee for the necessary search.

No other charge
or fee allowed.

27. Except as hereinbefore provided the Sheriff of the said provisional District of Algoma, shall not be entitled to any other fee or emolument whatever for any service rendered by him, relating to the collection of arrears of taxes on lands under the provisions of this Act.

Owner of any
subdivision
may pay taxes
on his portion,
and such por-
tion shall not
be sold.

28. Where any lands in the said provisional District of Algoma, for which a patent has been or may hereafter be issued, shall have been sub-divided, the owner of any portion thereof may tender and pay to the Sheriff the arrears of taxes upon the portion of which he may be owner, and the costs incurred in respect thereof, and thereupon such portion shall be exempted and withdrawn from sale.

Owner may re-
deem within
one year.

29. The owner of any land which may be sold for taxes under the provisions of this Act for non-payment of taxes thereon, his heirs, executors, administrators or assigns may at any time within one year from the day of sale (exclusive of that day) redeem the land sold by paying to the Sheriff, for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with ten per cent. thereon, and the Sheriff shall give the party, paying such redemption money, a receipt, stating the sum paid, and the object of payment, and such receipt shall be evidence of redemption.

If not redeemed
purchaser enti-
tled to a deed.

30. If the land be not redeemed, within the period so allowed for its redemption, being one year exclusive of the day of sale, as aforesaid, then on the demand of the purchaser or his assigns, or other legal representatives, at any time afterwards, and on payment of one dollar, the Sheriff shall execute and deliver to him or them a deed of sale of the land sold.

Particulars to
be inserted in
the deed and
its effect.

31. Such deed shall state the date and cause of the sale, and the price, and shall describe the land sold by its situation, boundaries and quantity, and shall have the effect of vesting the land in the purchaser, and his heirs and assigns in fee sim-

ple, free and clear of all charges and incumbrances thereon, except taxes accrued since those for non-payment whereof it was sold.

32. The Sheriff shall also give to the purchaser, or his assigns or other legal representatives, a certificate under his hand and seal of office, of the execution of the deed, stating the name of the purchaser, the sum paid, the number of acres sold, the lot or tract of which the same forms a part, and the date of the Sheriff's conveyance to the purchaser; and on the production of the said deed and such certificate to the Registrar of the said Provisional District of Algoma, such certificate shall be deemed a memorial thereof, and the same shall be registered without further proof, and a certificate of the registry shall be granted by the Registrar, for which registry and certificate the Registrar shall be entitled to the sum of seventy-five cents and no more.

Certificate to :
be given for
registry, its
effect &c.

33. The Sheriff shall enter in a book, to be kept by him as such Sheriff, a full description by metes and bounds of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries therein have been made by him, shall be kept by him amongst the records of his office.

Sheriff shall
keep a book in
which the par-
ticulars of all
sales shall be
entered.

BILL.

An Act to impose a Tax upon all
Patented Lands situate in the pro-
visional District of Algoma, and
to provide means for the collection
thereof.

First Reading, February , 1868.

HON. MR. RICHARDS.

TORONTO:

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